

EXHIBIT B

U.S. v Tsarnaev:

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Jan 02, 2015	Last minute motions filed, Tsarnaev trial set to start Monday	My Fox Boston, Jan 02, 2015. http://www.myfoxboston.com/clip/10998047/last-minute-motions-filed-tsarnaev-trial-set-to-start-monday
Jan 02, 2015	Judge Rejects Requested Delay in Tsarnaev Jury Selection	Hannah Sparks, Boston.com Jan 02, 2015, http://www.boston.com/news/local/massachusetts/2015/01/02/judge-rejects-requested-delay-tsarnaev-jury-selection/ 9TQ5wiV5VjsetD1RvUua0H/story.html
Jan 03, 2015	Heather Abbott talks about upcoming Tsarnaev trial	Heather Abbott, Boston.com Jan 03, 2015, http://www.boston.com/news/local/massachusetts/2015/01/03/heather-abbott-talks-about-upcoming-tsarnaev-trial/ UP7gybFntC00dPjnCWRYfI/video.html
Jan 03, 2015	Court of Appeals denies delay and relocation in Tsarnaev trial	7 News Boston WHDH-TV, Jan 03 2015, http://www.whdh.com/story/27752503/court-of-appeals-denies-delay-and-relocation-in-tsarnaev-trial
Jan 03, 2014	Appeals court won't delay or move Tsarnaev trial	7 News Boston WHDH-TV, Jan 03 2015, http://www.whdh.com/story/27753060/appeals-court-wont-delay-or-move-tsarnaev-trial
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Jan 04, 2015	Timeline of events in Boston Marathon Bombing	court/mAd1YQ87tAVItKol3NxNoO/story.html WCVB News, Jan 04 2015. http://www.wcvb.com/news/timeline-of-events-in-boston-marathon-bombing/30523620
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Prosecutors: Keep bombing suspect's trial in state

Posted: Jan 01, 2015 6:04 PM EST Jan 01, 2015 6:04 PM EST
Updated: Jan 02, 2015 6:02 AM EST Jan 02, 2015 6:02 AM EST

(AP) Associated Press

BOSTON (AP) - Federal prosecutors on Thursday reiterated their opposition to moving the Boston Marathon bombing suspect's trial out of state and said in a court filing that jury selection should begin as planned on Monday.

Dzhokhar Tsarnaev's lawyers want a federal appeals court to overturn a judge's decision to keep the 21-year-old's trial in Boston. They argue Tsarnaev cannot receive a fair trial in the city's federal courthouse, which is just a few miles from where the bombing occurred.

Tsarnaev's lawyers filed the appeal Wednesday after a U.S. District Court judge denied their change-of-venue request as well as a motion seeking a nine-month delay.

The defense is asking the district court judge to postpone jury selection pending the outcome of the appeal.

Prosecutors said in their response filed Thursday with the 1st U.S. Circuit Court of Appeals that the district court correctly found that Tsarnaev had not demonstrated "the rare and extreme case" in which impartial jurors could not be found from a pool of millions of people.

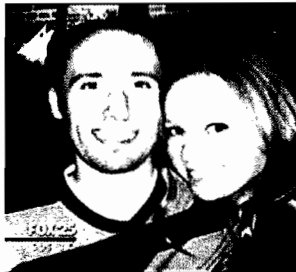
"The Boston Marathon bombing and related events during the week of April 15, 2013, affected several hundred victims, including both those allegedly killed and injured by Tsarnaev and his brother Tamerlan, and their families," the filing said. "Moving the trial out of the Eastern Division would create an enormous hardship for those victims and their families, depriving many, if not most of them, of any ability to see the trial."

Recent high-profile federal trials in Boston - such as that of former Boston crime boss James "Whitey" Bulger - suggest that an impartial jury could be found, prosecutors said.

Tsarnaev has pleaded not guilty to federal charges connected to the April 2013 explosions at the marathon finish line, which killed three people and injured more than 260. He could face the death penalty if convicted.

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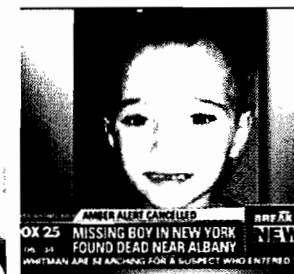
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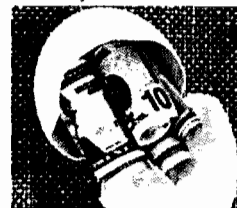
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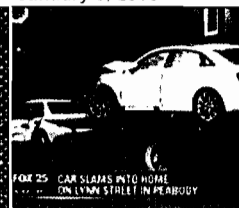
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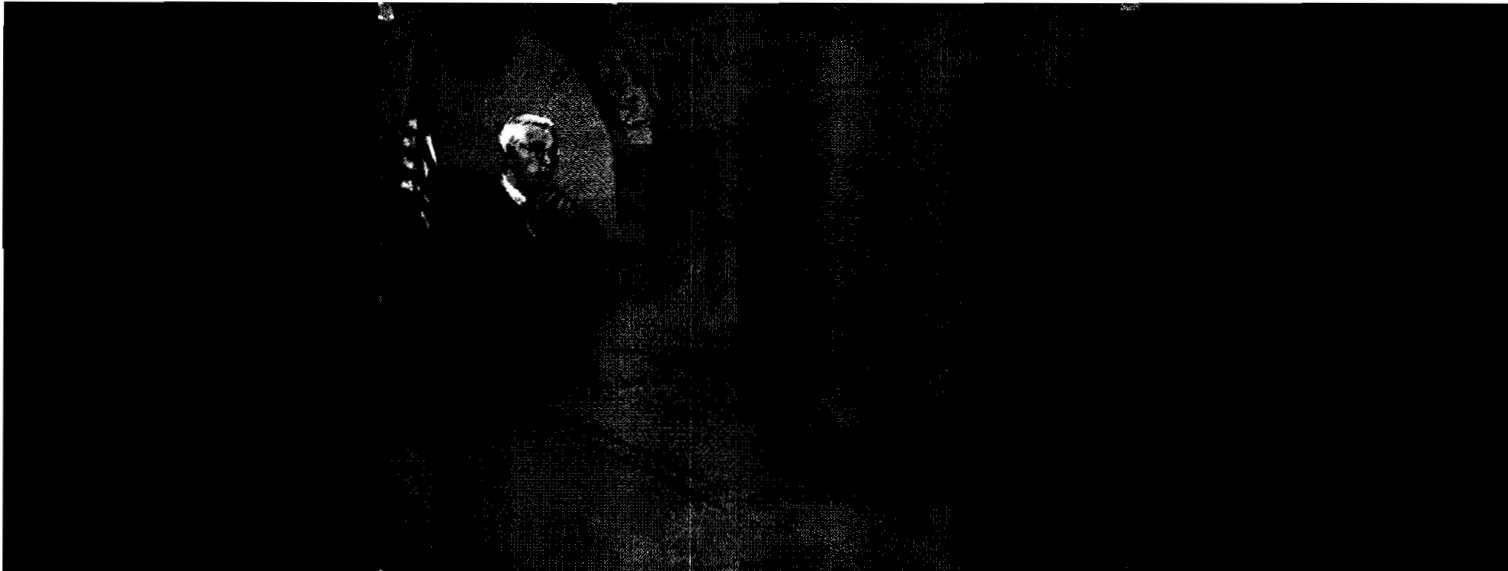
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Judge Rejects Requested Delay in Tsarnaev Jury Selection

A courtroom sketch of U.S. District Judge George O'Toole. The sketch shows a man with white hair, wearing a dark suit and a white shirt with a dark tie, standing in a courtroom. He is looking towards the camera. The background is dark and indistinct.

U.S. District Judge George O'Toole is shown in a courtroom sketch during a pre-trial hearing for Boston Marathon bombing suspect Dzhokhar Tsarnaev at the federal courthouse in Boston, Massachusetts December 18, 2014.

Janet Orloff/Reuters

By Hannah Sparks

Boston.com Staff | 01.02.15 | 1:20 PM

Despite the last-ditch efforts of Boston Marathon bombing suspect Dzhokhar Tsarnaev's lawyers to delay and relocate his trial, jury selection will begin as planned on Monday, Jan. 5.

Citing the volume of evidence and perceived difficulty in finding an unbiased jury in the greater Boston area, on Dec. 29 the defense filed a request to move and delay the trial. U.S. District Court Judge George O'Toole Jr. rejected that request Dec. 31.

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Hours later, however, the defense filed yet another request, asking to postpone jury selection while an appeals court decides whether to delay the trial and move it out-of-state. Prosecutors responded Thursday, arguing that such measures are unnecessary and that the case is ready to proceed to trial Jan. 5.

How the appeals court will handle that last-minute request is unclear, but on Friday, O'Toole rejected the defense's motion to delay jury selection, noting that it would pose too great an inconvenience to the more than 1,200 people who have been called in for that purpose. Mere inconvenience aside, delaying jury selection for too long could necessitate a re-summonsing, which would delay the trial for months. The trial has already been pushed back from a November start.

Tsarnaev has pleaded not guilty to the 30 charges he faces in connection to the April 2013 bombings that killed three and injured more than 260. If convicted, he could face the death penalty.

Heather Abbott talks about upcoming Tsarnaev trial

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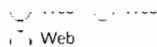
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01.03.15 | 10:02 PM

(Boston Globe) Boston Marathon bombing survivor Heather Abbott talks about her feelings on the upcoming trial of Dzhokhar Tsarnaev.

Heather Abbott Talks About Upcoming Tsarnaev Trial
Boston.com
January 03, 2015

I understand that it will be kind of like reliving everything over again, so I'm actually looking forward to putting it behind me. I'm planning to attend at least part of the trial. I'm not sure how much I will be able to get to or want to go to, but I would like to at least attend part of it. I think it would help if there were some of the other survivors that I'm close to there. Because they're really the only other people that really understand what this is like. You would think, I guess, that it would bring some sort of closure. But to be honest it's not something I think about all the time. You know, I don't think about the person who did it and what's happening to them a whole lot. So, I don't really know what it will provide for me. Except to know that he won't be able to do it again. And that some sort of justice is served for what was done.



Court of Appeals denies delay and relocation in Tsarnaev trial

Posted: Jan 03, 2015 11:12 AM

Updated: Jan 03, 2015 12:39 PM

BOSTON (WHDH) - The Federal Court of Appeals has denied a request from Dzhokhar Tsarnaev's lawyers to delay and relocate his upcoming trial.

Tsarnaev's lawyers had wanted to postpone the trial and move it out of Massachusetts. Jury selection will now begin on Monday.

A request to delay jury selection **had already been rejected** by federal Judge George O'Toole Jr. He said a delay would be disruptive to the 1,200 potential jurors who have already been called.

Tsarnaev pleaded not guilty to 30 charges connected to the April 2013 bombing at the Boston Marathon. Three people were killed in the bombings that also injured hundreds of people.

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Appeals court won't delay or move Tsarnaev trial

Posted: Jan 03, 2015 2:08 PM

Updated: Jan 03, 2015 6:02 PM

BOSTON (AP) - The trial of marathon bombing suspect Dzhokhar Tsarnaev can begin as scheduled Monday in Boston after a federal appeals court ruled that the defense had not met the "extraordinary" standard required to justify its intervention.

The 1st U.S. Circuit Court of Appeals announced its decision Saturday. Tsarnaev's lawyer had asked the court to delay the trial and move it out of Massachusetts, saying he couldn't get a fair trial in a place where so many were affected by the bombings.

The appeals court ruled 2-1 to avoid intervening in the trial's timing and location.

"The judges in the majority are satisfied that full consideration has been given to the issues raised by the petition, and it is clear that the petition falls short of meeting the requirements for issuing the extraordinary writ of mandamus," two judges said in the majority opinion. One judge dissented, saying he didn't have enough time to carefully consider the petition filed Wednesday.

One of Tsarnaev's attorneys, Miriam Conrad, declined to comment Saturday.

Tsarnaev has pleaded not guilty to 30 charges connected to the April 2013 explosions that killed three people and wounded more than 260 others. Some of the charges carry the death penalty.

On Friday, U.S. District Judge George O'Toole, who is presiding over Tsarnaev's case, said jury selection should start as scheduled because it would be too inconvenient to delay it. He had denied a defense request Dec. 29 for a delay.

O'Toole said Friday that delaying the start "would cause some unknown degree of disruption" to the more than 1,200 people called as potential jurors and to the court. He had granted a two-month trial delay last fall and also rejected a previous request to move it.

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Good. No way should it of been moved. Anyway there should never have been a trial in the first place. He should've been shot and killed.

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Petition denied 1 case; Boston trial begins Monday

Posted: Jan 03, 2015 12:29 PM EST Jan 03, 2015 12:29 PM EST
Updated: Jan 04, 2015 12:34 PM EST Jan 04, 2015 12:34 PM EST

(FOX25 / MyFoxBoston) Ashley Troutman [CONNECT](#)

BOSTON ([MyFoxBoston.com](#)) -- The US Court of Appeals denied the petition for mandamus in the trial of accused Boston Marathon bomber Dzhokhar Tsarnaev.

Tsarnaev's defense requested that the trial be pushed back and relocated to a city other than Boston in order to secure a fair and impartial jury. Washington D.C. among other cities were considered, but the Court of Appeals announced Saturday that the trial will stay in Boston, for now, and start Monday, Jan. 5 with jury selection as scheduled.

Court documents say the request was denied because the "petitioner has not made the extraordinary showing required to justify mandamus relief." The documents go on to quote a Court of Appeals judge who says that given the timing of the motion and district court's denial as well as his unfamiliarity with the enormous amount of evidence, including over 9,500 pages of exhibits, he is "not in a position to intelligently opine as to whether the standard for mandamus relief has been satisfied."

He goes on to say, "What I do know is that Tsarnaev's argument that the entire city of Boston and its surrounding areas were victimized -- as evident by the city's virtual lock-down and the images of SWAT team members roaming the streets and knocking on door-to-door in Watertown -- is compelling."

The judge also compared this case to others, including the United States v. Timothy McVeigh, saying Tsarnaev's case for a change of venue was stronger than McVeigh's, whose case was in fact moved. However, until voir dire is complete, there is still a chance the trial could be moved.

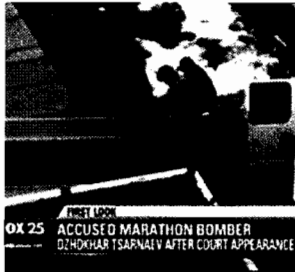
"It is unrealistic at best to presume that there is no irreparable harm in having the jury selection and trial begin since there will be another opportunity to consider this matter in the future," he said.

Former state and federal prosecutor Brad Bailey said, "If in the process of jury selection there is evidence that they cannot get a fair and impartial jury, they would be willing to revisit the issue."

Tsarnaev pleaded not guilty to 30 charges connected to the April 2013 bombings that killed three people and injured 264.

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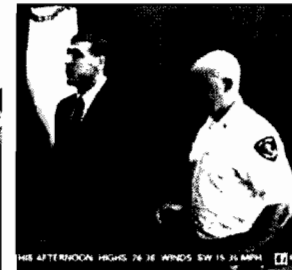


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Denied Again: Tsarnaev Bid for Trial Delay Rebuffed by Appeals Court



By Hannah Sparks

Boston.com Staff | 01.03.15 | 2:51 PM

On Saturday, the U.S. Court of Appeals for the First Circuit denied the 11th-hour request by lawyers for the accused Boston Marathon bomber Dzhokhar Tsarnaev to delay his trial and move it out of state, The Boston Globe reports.

The emergency petition was filed before the end of the day Wednesday, mere hours after U.S. District Court Judge George O'Toole Jr. rejected a similar request by the defense.

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- [Lawyers for Marathon Bombing Suspect Again Seek Trial Postponement](#)

In Wednesday's petition, defense lawyers asked the appeals court to order the trial to be moved out of Boston and to postpone jury selection, which is

set to start Monday. If the court opted not to do that, the defense asked that the appeals court order the trial judge to hold a hearing on a disputed consultant's study about the jury pool before selection began, according to The Globe.

On Friday, O'Toole ruled that postponing jury selection would pose too great an inconvenience to the more than 1,200 people who have been summonsed for that purpose.

The appeals court's decision not to intervene means that the trial will continue as planned once jury selection is completed. Saturday's decision read, in part, "The judges in the majority are satisfied that full consideration has been given to the issues raised by the petition."

Tsarnaev's lawyers have asked to postpone and relocate the trial on multiple occasions, arguing that they needed more time to sift through the enormous amount of evidence to be presented in the trial, and that empaneling an impartial jury in Eastern Massachusetts would be all but impossible.

The long-awaited, highly anticipated trial has already been pushed back from a November start.

Tsarnaev has pleaded not guilty to 30 counts related to the April 2013 attacks at the Marathon finish line that killed three and injured more than 260. He could be executed if convicted.

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Timeline of events in Boston Marathon bombing

Dzhokhar Tsarnaev could face death penalty

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BOSTON — A timeline of events related to the Boston Marathon bombing, which killed three people and injured 260 others on April 15, 2013. Jury selection is set to begin Monday for the trial of Dzhokhar Tsarnaev, who defenders say was influenced by his older brother, Tamerlan.

TSARNAEV TRIAL

- Who's who in Tsarnaev trial
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March 2011: Russian FSB intelligence security service gives FBI information that Tamerlan Tsarnaev, of Cambridge, Massachusetts, is a follower of radical Islam.

June 2011: FBI closes investigation after finding nothing to link Tamerlan Tsarnaev to terrorism.

Sept. 12, 2011: Bodies of three men are found in Waltham, Massachusetts, with their throats slit and marijuana sprinkled over them.

Late 2011: U.S. officials add the Tsarnaevs' mother to a federal terrorism database after Russia contacts CIA with concerns they were religious militants about to travel to Russia. She later says she has no links to terrorism.

January 2012: Tamerlan arrives in Russia, where he spends time in two predominantly Muslim provinces, Dagestan and Chechnya.



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July 2012: Officials in Dagestan say Tamerlan applies for a new passport but never picks it up. Russian officials say they have him under surveillance but lose track of him after the death of a Canadian man who had joined an Islamic insurgency in the region.

July 17, 2012: Tamerlan returns to U.S.

November 2012: Islamic Society of Boston Cultural Center in Cambridge says Tamerlan has an outburst that interrupts a sermon about it being acceptable for Muslims to celebrate American holidays.

January 2013: Islamic Society says Tamerlan has a second outburst after a sermon that includes praise for the Rev. Martin Luther King Jr.

April 15, 2013: Bombs go off at the finish line of the Boston Marathon, killing three people and injuring more than 260 others.

April 16, 2013: Federal agents say the bombs were made from pressure cookers packed with explosives, nails and other shrapnel, but they still don't know who detonated them or why.

April 17, 2013: President Barack Obama signs emergency declaration for Massachusetts and orders federal aid to supplement local response.

April 18, 2013: Investigators release photos and video of two suspects and ask for public's help identifying them. Later that night, Massachusetts Institute of Technology police officer Sean Collier is shot to death in his cruiser, allegedly by Tamerlan and Dzhokhar Tsarnaev. Prosecutors say they steal an SUV at gunpoint from a Cambridge gas station. The driver is held for about a half-hour, then released unharmed.

April 19, 2013: Tsarnaevs have an early morning gun battle with authorities who have tracked them to Watertown. Tamerlan, who is run over by his younger brother, dies. Dzhokhar escapes, and at around 6 a.m., authorities tell residents of Boston and surrounding communities to stay indoors. All mass transit is shut down. That order is lifted around 6:30 p.m., just before authorities trace Dzhokhar to a Watertown backyard, where he is found hiding in a boat and taken into custody.

April 22, 2013: Dzhokhar Tsarnaev, injured in the shootout, is charged in his hospital room with using and conspiring to use a weapon of mass destruction.

April 30, 2013: Two friends of Dzhokhar's are charged with attempting to destroy evidence by disposing of a backpack and laptop computer taken from his room after they found he was a suspect in the bombing. Another is charged with lying to investigators.

May 9, 2013: Tamerlan Tsarnaev is secretly buried in Virginia after a weeklong search for a cemetery willing to take the body.

May 22, 2013: An FBI agent in Orlando, Florida, fatally shoots Ibragim Todashev, a friend of Tamerlan's, after he lunges at law enforcement officials questioning him about the Waltham killings. Officials say that before he died, he had agreed to give a statement about his involvement.

July 10, 2013: Dzhokhar Tsarnaev pleads not guilty to 30 federal charges.

July 23, 2013: Marc Fucarile is the last survivor of the bombings to leave the hospital.

Jan. 30, 2014: Prosecutors announce they will seek the death penalty against Dzhokhar.

April 15, 2014: Ceremonies and events mark the anniversary of the attacks.

April 21, 2014: The 2014 Boston Marathon features a field of 36,000 runners, 9,000 more than 2013


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May 30, 2014: Khairullozhon Matanov, 23, of Quincy, is arrested on charges of obstructing the investigation by deleting information from his computer and lying to investigators.

June 18, 2014: Tsarnaev's lawyers file first of several requests to move the trial to Washington, D.C.

July 21, 2014: Azamat Tazhayakov, a college friend of Dzhokhar's, is convicted of obstruction of justice and conspiracy for agreeing with another friend to get rid of a backpack and disabled fireworks they took from his dorm room three days after the attack.

July 22, 2014: Stephen Silva, believed to have provided the gun used by the Tsarnaevs to kill Collier, is arrested on drug and weapons charges.

Aug. 22, 2014: Dias Kadyrbayev, 20, pleads guilty to impeding the investigation by removing incriminating evidence from Dzhokhar's dorm room.

Sept. 24, 2014: Judge grants delay and pushes start of trial to Jan. 5, 2015.

Oct. 28, 2014: Robel Phillipos, 21, of Cambridge, is convicted of lying to federal agents about being in Dzhokhar's room.

Nov. 25, 2014: Federal judge rejects a request from lawyers for Dzhokhar Tsarnaev to order prosecutors to turn over evidence about his older brother's possible participation in the Waltham slayings.

Dec. 18, 2014: Dzhokhar appears in court for first time since his July 2013 arraignment.

Jan. 5, 2015: Jury selection is set to begin in Dzhokhar's trial.

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Dzhokhar Tsarnaev faces possible death penalty if convicted

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BOSTON — BOSTON — Jury selection starts Monday for the trial of suspected Boston Marathon bomber Dzhokhar Tsarnaev on 30 federal counts. Here are the charges against him:

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— Use of a weapon of mass destruction resulting in death; aiding and abetting.

— Possession and use of a firearm during and in relation to a crime of violence resulting in death; aiding and abetting.

— Conspiracy to bomb a place of public use resulting in death.

— Bombing of a place of public use resulting in death; aiding and abetting.

— Conspiracy to maliciously destroy property resulting in personal injury and death.

— Malicious destruction of property resulting in personal injury and death; aiding and abetting.

— Carjacking resulting in serious bodily injury; aiding and abetting.

— Possession and use of a firearm during and in relation to a crime of violence; aiding and abetting.

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Dzhokhar Tsarnaev faces death penalty if convicted

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BOSTON — BOSTON — Some of the prospective jurors who could decide Dzhokhar Tsarnaev's fate got their first look Monday at the man accused of setting off bombs during the Boston Marathon, and they seemed transfixed by the sight of the shaggy-haired 21-year-old.

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Tsarnaev, for his part, rose to his feet and nodded, slightly and awkwardly, as he was introduced to the first group of about 200 prospective jurors.

Real-time updates from Boston Federal Court

Monday's proceedings began what could be weeks of jury selection in the nation's most closely watched terror trial since the Oklahoma City bombing two decades ago.

Security was tight, with dozens of police officers stationed inside and outside the federal courthouse, along with bomb-sniffing dogs.

The potential jurors seemed riveted by Tsarnaev and by U.S. District Judge George O'Toole Jr.'s explanation of the gravity of what they will be asked to do if they are picked: They must decide not only whether the former college student is guilty or innocent, but also what his punishment will be if he is convicted -- life in prison or execution.

Added content: Who's who in Marathon bombing trial | Timeline of Events | Charges

The judge told the potential jurors not to think of the trial as "an annoying burden," but as a needed service and an "important duty of citizenship."

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Tsarnaev is accused of planning and carrying out the twin pressure-cooker bombings that killed three people and wounded more than 260 near the finish line of the race on April 15, 2013.

O'Toole briefly outlined the 30 charges against Tsarnaev, which include using a weapon of mass destruction. He is also accused of killing an MIT police officer as he and his brother, now dead, made their getaway.

Tsarnaev, flanked by his attorneys, sat at a table at the front of the room. Wearing a dark sweater and khaki pants, he looked down much of the time and picked at his beard.

He nodded to the first group of potential jurors in the morning. When he stood for a second group of 200 in the afternoon, he looked down at the floor.

Photos: Honoring Boston Marathon bombing victims, survivors

Over three days, a pool of about 1,200 prospective jurors will be summoned to court. Twelve jurors and six alternates will be selected. The judge said testimony in the trial will begin on Jan. 26 and is expected to last three to four months.

Heather Abbot, of Newport, Rhode Island, who lost her left leg below the knee in the Boston attack, said she plans to attend some of the proceedings. She said her biggest question may be an unanswerable one: Why?

"I don't know whether I'll ever get any answer to that question, but I guess I want to understand what the thought process was," Abbott said. "Why he would want to do this to people ... it's really hard to understand."

The unusually large pool was seen as necessary because of the need to weed out people who might be unduly influenced by heavy news coverage of the tragedy, along with the many runners, spectators and others affected by the bombings. Also, those who are opposed to the death penalty will not be allowed on the jury.

Tsarnaev's lawyers tried and failed to get the trial moved out of Boston.

Video: Survivors react | Video: Jury selection begins

The first two groups of 200 people each were given instructions by the judge and then began filling out long questionnaires. The questionnaire was sealed by the judge. Beginning next week, lawyers for the two sides will question potential jurors individually.

The trial is perhaps the most scrutinized terror case in the U.S. since Timothy McVeigh was convicted and executed for the 1995 Oklahoma City bombing.

In Russia, the father of the Tsarnaev brothers again expressed the family's distrust of the U.S. legal system. One of Tsarnaev's sisters recently pleaded guilty in Boston to misleading police during a counterfeiting investigation.

"All the information that can refute the allegations against my sons is on the Internet," Anzor Tsarnaev said by telephone from Grozny, the capital of Chechnya. "I still have children in America and I am afraid for them. As you all know, they also caused problems for my younger daughter with fabricated allegations. Who knows what they could do with my other children?"

Prosecutors say Dzhokhar and his brother, Tamerlan Tsarnaev -- ethnic Chechens who had lived in the United States for about a decade -- carried out the bombings in retaliation for U.S. wars in Muslim countries. Tamerlan, 26, died in a gun battle with police days after the bombings.

The defense is expected to argue that Dzhokhar had a difficult childhood and fell under the evil influence of his older brother.

There were no Tsarnaev supporters outside the courthouse Monday, but one man stood holding a sign calling for federal officials to be held accountable for the bombing.

"They screwed up big time by not preventing it," said Kevin O'Connell, a delivery driver from Boston.



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To her neighbors, Katherine Russell was living like a ghost, rarely seen and never heard after her husband and brother-in-law were accused of plotting together and planting bombs that killed three people and injured more than 260 near the marathon's finish line.

Federal investigators have questioned Russell, who married Tamerlan Tsarnaev in 2010, but they haven't revealed what she told them.

It's one of many questions looming as the trial for Dzhokhar Tsarnaev, her brother-in-law, starts this week.

Federal prosecutors will not say if Russell, 25, is a suspect, a witness or simply a noninvolved widow. There have been no charges filed against her.

Here are five things we know about Russell.

1. She has said she was in the dark about the Tsarnaev brothers' alleged plans.

Investigators believe the pressure cooker bombs that went off at the marathon were at least partially made on the kitchen table of the tiny apartment she shared with Tamerlan Tsarnaev.

The last time Russell saw her husband alive was just hours before he died in a gunbattle with police, a source close to the family told CNN shortly after the bombings.

Her attorney told CNN that she learned through news reports that her husband and brother-in-law were suspects in the attacks. It was devastating news for the whole family, he said.

"The reports of involvement by her husband and brother-in-law came as an absolute shock to them all," attorney Amato DeLuca said in a 2013 statement. "As a mother, a sister, a daughter, a wife, Katie deeply mourns the pain and loss to innocent victims -- students, law enforcement, families and our community. In the aftermath of this tragedy, she, her daughter and her family are trying to come to terms with these events."

2. She was arrested for theft.

Before the bombings, Russell had one run-in with the law. In June 2007, she was arrested for stealing \$67 in goods from Old Navy.

According to court records, she acknowledged the theft and gave back the merchandise.

Last year, she appeared in court over a traffic ticket.

3. Her last known address was near her in-laws.

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By all indications, Russell has chosen to be near -- and with -- her dead husband's family living in New Jersey, rather than with her parents in Rhode Island.

Her last known apartment was just blocks from the last listed address of Ailina and Bella Tsarnaeva, her sisters-in-law.

And she was last seen holding the newest child in the Tsarnaev family, her niece.

Ailina Tsarnaeva recently appeared in court on unrelated charges of threatening a romantic rival with a bomb. She has pleaded not guilty.

4. Russell was raised Christian.

She converted to Islam before she married Tsarnaev at a Massachusetts mosque in June 2010.

5. She and Tamerlan Tsarnaev had one child together.

Their daughter was a toddler at the time of the bombings. The last time Russell saw her husband alive, the family source said, she was handing off their daughter to stay with him while she went to work as a home health aide.

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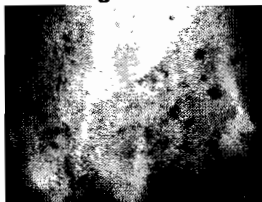
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KEVIN CULLEN

Death penalty hangs over Dzhokhar Tsarnaev trial



JOHN TLUMACKI/GLOBE STAFF

Defense attorneys Timothy Watkins (left) and William Fick leave the courthouse Monday.



By Kevin Cullen | GLOBE STAFF JANUARY 05, 2015

Once testimony begins, we'll get a good idea of some of the things accused Boston Marathon bomber Dzhokhar Tsarnaev believes in. But if his appearance Monday in federal court is any indication, we can assume he does not believe in that old defense tactic of cleaning up for the jury.

In many cases, certainly in most murder cases, the transformation that takes place between the time someone is arrested and the start of the trial is often nothing short of remarkable.

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At the least, a haircut, not to mention a suit and tie, is in order. It's all about presenting a nice, wholesome image to jurors, so they might think, even subconsciously, "Wow, how could that nice young man do something so terrible?"

Tsarnaev, 21 years old and on trial for his life for doing terrible things, couldn't be bothered with such bourgeois niceties. He swanned into the jury assembly room on the second floor of the Joe Moakley courthouse, looking like something that the cat brought in.

Bird's nest hair, scraggly beard. Dark sweater. His cream-colored slacks suggested he does not subscribe to that old adage about not wearing white after Labor Day.

He gave the impression of a bored college student, sitting through a lecture only because attendance was required. He didn't tug at his beard like a wise man so much as an idle one.

If his mother was there, she would have told him to stop playing with his beard.

Actually, having seen the excitable Mama T in action, I think she'd probably be yelling something about the sheer unfairness of her son having to go through this whole charade in the first place.

According to US District Judge George O'Toole, who presided over the first day of jury selection, Monday's preliminaries were all about fairness, about finding jurors who could fairly and impartially hear the case. Two sets of potential jurors listened to O'Toole wax philosophic about the sanctity of the jury system, how serving as a juror is both a civic duty and democratic honor.

When the judge noted that such service could stretch through the next four months, I'm guessing some of those potential jurors were thinking about things other than duty and honor.

The opposing legal teams, the defense on the left, the prosecution on the right, flanked the judge, looking like "Family Feud" teams, waiting for the real action to begin, betraying nothing.

The prospective jurors were handed questionnaires and the truth is they could check one box and protect themselves against the prospect of spending the whole winter and part of the spring in Courtroom 9 at the Moakley. That check would suggest they can't, in good conscience, vote to impose the death penalty.

That's the get out of jail card, so to speak, for potential jurors. Given the demographics of Eastern Massachusetts, we can presume that at least half of those in the jury pool will check that box with great legitimacy. Maybe more.

Of those who say they have no problem with the death penalty, they've got to indicate they're also willing to consider a sentence of life in prison if Tsarnaev is convicted.

The prospective jurors filled out their forms like prospective college students, marking their SATs. Like SAT takers, some were faster than others. When they stood to stretch, the prospective jurors could look past the assembled reporters, separated from them by a fishbowl-like glass, out to the harbor, where Coast Guard gunboats idled in the harbor, telling them, even if the judge didn't, that they are being asked to be part of a jury that will decide something very important.

The specter of the death penalty is the elephant in the courtroom. It's de rigueur to talk about the presumption of innocence and the need to let the trial process play out. But it's impossible to sit in the courthouse and not think that we're going through the motions, that it's not guilt or innocence that this is all about so much as punishment, that Tsarnaev's lawyers aren't girding to get him acquitted as much as they are focused on saving his life.

It's also inescapable to conclude that all the anguish and misery that will be recounted in this, the winter of our legal discontent, could be averted by simply having Tsarnaev plead guilty.

Tsarnaev's lawyers have openly wished for this. During a hearing last September, David Bruck, one of his lawyers, said that if the government didn't seek the death penalty, the case "would have been over a long time ago."

All those reports about the defense being willing to take a plea in exchange for the government dropping the death penalty are true, with one huge caveat. The defense would be required to offer some new information that wasn't available when US Attorney General Eric Holder authorized prosecutors in Boston to seek the death penalty last January.

Like Dzhokhar Tsarnaev's beard, that elephant doesn't appear to be going anywhere soon.

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Kevin Cullen is a Globe columnist. He can be reached at cullen@globe.com

Clarification: *This story was clarified to reflect that defense and prosecuting attorneys sat on each side of the judge rather than before him.*

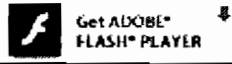
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Tsarnaev Jury Selection Begins

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By **Jon Palmer** @JonPalmerBDC

Boston.com Staff | 01.05.15 | 10:19 AM

Jury selection has begun in the trial of accused Boston Marathon bomber Dzhokhar Tsarnaev, with about 1,200 people being called in over the next the next three days to be considered as jurors in the case.

U.S. District Court Judge George O'Toole Jr., the judge overseeing the trial, said it will begin on Jan. 26 and is expected to last three to four months.

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- **Judge Rejects Requested Delay in Tsarnaev Jury Selection**

A last-ditch attempt to delay the start of the trial by Tsarnaev's lawyers was rejected last Wednesday by O'Toole because it would be too inconvenient for the large number of people called for the selection.

At Moakley Courthouse this morning, Judge O'Toole introduced the first 200 potential jurors to the case and gave them initial instructions.

Tsarnaev was present:



Milton Valencia

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Tsarnaev comes into courtroom with lawyers, wearing clothes similar to last time. Jurors taking a look.

9:15 AM - 5 Jan 2015

7 RETWEETS 3 FAVORITES



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"The defendant Mr. Tsarnaev is also present and I now ask him to stand for a moment." He does. No expression.

9:29 AM - 5 Jan 2015

8 RETWEETS 2 FAVORITES

Tsarnaev is facing 30 charges related to the Boston Marathon bombings, which killed three and injured more than 260 people, as well as the murder of police officer Sean Collier. If convicted, he could face the death penalty.

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No plea deal in Boston bombing trial

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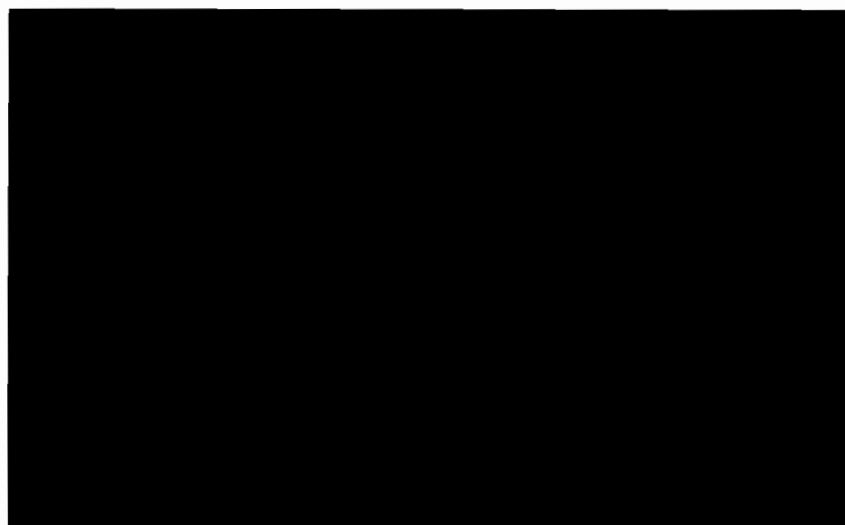
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WASHINGTON (CNN) — WASHINGTON (CNN) — As accused Boston Marathon bomber Dzhokhar Tsarnaev goes on trial Monday few doubt the outcome of the first phase of the two-phase trial. It's the second, the sentencing phase, including a possible death sentence, that has been the subject of behind the scenes discussions.

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Federal prosecutors and defense attorneys for Tsarnaev have held talks on a possible plea agreement but failed to reach one, U.S. officials familiar with the talks say.

The discussions in recent months have centered on the possibility of Tsarnaev pleading guilty and receiving a life sentence without parole, according to the officials.

But the talks have reached an impasse because the Justice Department has resisted removing the death penalty as a possibility, these officials say.

A spokeswoman for the U.S. Attorney in Boston declined to comment. Attorney Judy Clarke, who represents Tsarnaev, didn't respond to a request for comment.

The outcome so far is unusual for Clarke who helped negotiate plea deals that saved the lives of notorious criminals including 9/11 plotter Zacarias Moussaoui, Unabomber Ted Kaczynski and Jared Loughner, who carried out the mass shooting that killed six and gravely injured former Congresswoman Gabrielle Giffords.

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Jury selection is set to begin Monday in the case, with Tsarnaev facing 30 counts including detonating a weapon of mass destruction. Three people died and 264 people were injured in the

April 15 attacks.

Attorney General Eric Holder is a critic of the death penalty, but he authorized seeking capital punishment in this case saying Tsarnaev acted in "an especially heinous, cruel and depraved manner." He also cited a seeming lack of remorse.

Tsarnaev's brother Tamerlan was killed in a confrontation with police during the manhunt that followed the bombing.

Among the evidence prosecutors are expected to use against him are statements claiming to be angry at U.S. wars that killed Muslims in Afghanistan and Iraq.

There are several reasons to pursue a plea deal, including to spare survivors and victim families from having to relive the trauma of the bombings, and to save financial costs in a case that has already cost millions of dollars.

The case's toll on victim families has been at issue in the case. Prosecutors tried to bar Tsarnaev from being able to view autopsy photos of victims, claiming it would cause new suffering to their survivors. A judge rejected that request.

Boston US Attorney Carmen Ortiz has overseen the plea discussions. Any decision to remove the death penalty as a possibility would have approval from Holder.

The attorney general Friday also authorized prosecutors to seek the death penalty against the man accused of shooting a TSA employee at Los Angeles Airport in 2013.

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WBZ News Transcript
Kathryn Hauser and Nicole Jacobs
January 05, 2015

Today, the Boston marathon bombing trial begins. Dzhokhar Tsarnaev, the man authorities say planted bombs at the finish line, now facing his peers, who could soon make up the jury that decide his fate.

Good afternoon, thank you for being here with us, I'm Kathryn Hauser.

Today, jury selection is underway. Hundreds of people will be questioned to see if they will be fit to hear this case. Tsarnaev is accused of murdering four people: 8 year old, Martin Richard , 29 year old Krystle Campbell, and 23 year old BU graduate student Lingzi Lu, all killed at the finish line. And also MIT officer Sean Collier, ambushed in his cruiser.

We begin with Nicole Jacobs, she's live for us outside the Federal Courthouse in South Boston with the latest.

Kathryn, today was all about seating that jury. We did see one marathon survivor here, Karen Bernard, who was injured in the blast. But for the most part, just those potential jurors. More than 100 of them at that 9 o'clock meeting. I can tell you the Judge was very strict with instructions for those potential jurors.1, telling them to stay off social media. Because certainly if you live in Massachusetts there is likely an emotional connection to this case. So the judge is taking this process of finding a fair an impartial jury very seriously.

As hundreds of potential jurors arrived at a highly secured Moakley Federal courthouse, Monday, Day 1 of jury selection in the trial for Dzhokhar Tsarnaev begins. More than 12,000 of them vetted and questioned for a federal trial Judge George O'Toole says could last upwards of 4 months. The goal during this process, to find 12 fair, and impartial jurors, plus 6 alternates.

Ed Davis - WBZ Security Analyst: "You just need to find 12 people that can objectively look at the evidence and come to the right conclusion."

Potential jurors had the opportunity to actually see the now 21 year old accused marathon bomber as he sat surrounded by his defense team, standing briefly when introduced. The judge explaining the day's importance, telling the room of more than 100, telling the room, "This case differs from many other criminal cases in a significant way. Mr. Tsarnaev is accused of crimes that are potentially punishable by a sentence of death."

Going on to say, that sentence is one they would ultimately decide. That is, if their questionnaire and their availability add up to be upon the chosen, determining the fate of a man accused of killing and changing the lives of so many.

Heather Abbott – Bombing survivor: “Certainly it will bring up, you know, a lot of what happened, obviously, 2 years ago, and a lot of emotions, so it will be nice to have it over with.”

According to the judge the trial is set to begin on January 26. Again, it could last, 3-4 months. We’re live in Boston, Nicole Jacobs, WBZ News.

Hundreds get an introduction to Tsarnaev

Potential jurors face suspect in start of trial



JANE FLAVELL COLLINS/REUTERS

Dzhokhar Tsarnaev is shown in a courtroom sketch on the first day of jury selection at his trial.

By Milton J. Valencia and Patricia Wen | GLOBE STAFF JANUARY 05, 2015

They were lined up alphabetically an hour before court proceedings began, hundreds of potential jurors stretching the length of the federal courthouse in Boston for the beginning of the trial of Dzhokhar Tsarnaev, the accused Boston Marathon bomber.

More than 400 members of the jury pool were introduced, face to face, to Tsarnaev in two separate proceedings Monday. Some appeared curious; others showed little emotion.

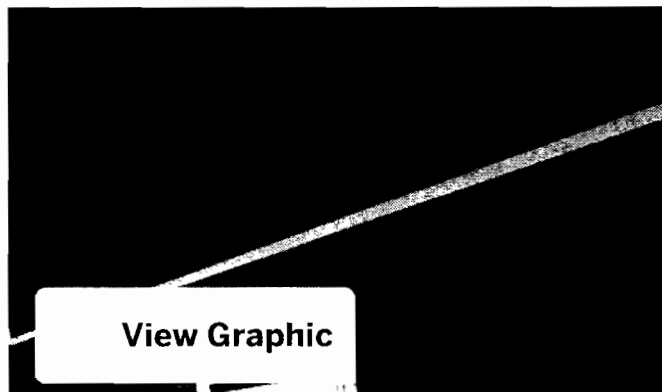
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Tsarnaev, 21, stood before them, lanky, fidgeting, and with flowing curly hair, wearing a dark collared sweater in the morning, and later a crewneck. First, he nodded at the jurors. But during the second session, his eyes remained fixed on US District Judge George A. O'Toole Jr. He did not speak to the potential jurors.

O'Toole asked jurors for their service, noting that the case “differs from other criminal cases in a significant way” — it requires a panel that might have to decide whether Tsarnaev is sentenced to die.

Jurors will not need any special experience, or education, said the judge, but “What you do need is a commitment to justice.”

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Quiz: Do you qualify for jury?

Do you meet the criteria to serve on the jury for the trial of Dzhokhar Tsarnaev?

Photos: Tsarnaev trial begins

Coverage of the Tsarnaev trial

More than 1,200 potential jurors were summoned to be screened in court this week, but on Monday, O'Toole said he plans to have 12 jurors and six alternates in place so that the case can begin "in proper" on Jan. 26. Tsarnaev's trial is expected to last three to four months — perhaps even longer — once a jury is selected.

READ MORE: Jury selection to begin in Tsarnaev trial

Dozens of national and international journalists flocked to the courthouse as well, taking up so much space that one of the food trucks that frequently parks in the area tweeted that it could not come, because media trucks were taking up all the parking spaces.

Notably absent were the demonstrators who have frequently shown up at court hearings in support of Tsarnaev. Tsarnaev's lawyers asked the judge last month to keep the demonstrators away from the courthouse entrance so as not to influence potential jurors, who might falsely assume that Tsarnaev supports their demonstrations. Only one person was seen waving a sign Monday.

"Dzohkhar's lawyers didn't want us there," said Karin Friedemann, one of the regular protesters, who had a tense exchange with Marc Fucarile, a bombing survivor, during a recent hearing. She did not attend Monday's proceedings.

Tsarnaev faces 30 charges, 17 of which carry the possibility of the death penalty, for his role in setting off two bombs at the Marathon finish line on April 15, 2013, scarring one of Boston's most storied traditions.

Three people were killed: Martin Richard, an 8-year-old from Dorchester who was at the race with his family; Lingzi Lu, 23, a Boston University student from China; and Krystle Campbell, 29, of Arlington.

Tsarnaev and his older brother, Tamerlan, also allegedly shot and killed MIT police officer Sean Collier days later. Tamerlan was killed in a violent confrontation with police in Watertown. Dzhokhar Tsarnaev, who has been held under special security restrictions at the federal prison at Fort Devens in Ayer, was charged with terrorism.

Since his arrest in April 2013, Tsarnaev's lawyers and prosecutors have sparred over several issues, including the defense team's opposition to Tsarnaev's tight prison restrictions, and his lawyers' requests for more information from prosecutors.

O'Toole has set up the following process: 1,200 potential jurors will appear in federal court this week, in groups of 200, to fill out a survey of 100 questions that could help determine whether they can serve on the jury. The jurors who filled out questionnaires were told to call the courthouse beginning next week to learn whether they have been excluded, whether they should wait on standby, or whether they should return to court next week for more questioning.

On Jan. 15, O'Toole plans to begin interviewing those remaining jurors in person, to further determine whether they could hand out a sentence of death if warranted, but life in prison if it is not.

Daniel Medwed, a professor at Northeastern University Law School, said the judge seems to have set up a cautious vetting process.

"To take a slow, deliberate approach to jury selections is the best course possible," he said. "You want to avoid the front-end errors, so that you don't face back-end problems years later."

During yesterday's proceedings, which each lasted a half hour, O'Toole urged jurors to be honest and complete with their answers.

While reminding the pool that jury service is the core of the nation's judicial system, O'Toole told the prospective jurors that they must avoid media coverage if they are to serve on a fair, impartial jury.

"You must be able to decide the issues of the case, based on the evidence that is presented during the course of the trial, and not from any other source," the judge said. "We need your help and we need your honest performance in this important duty

of citizenship.”

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Milton J. Valencia can be reached at MValencia@globe.com. Follow him on Twitter [@MiltonValencia](https://twitter.com/MiltonValencia).

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Boston Marathon 2013

Boston Isn't Strong. Boston Is Scared Sh*tless.

So says journalist Russ Baker, who thinks we've got the marathon bombings all wrong.

By Ben Schreckinger | Boston Magazine | January 2015

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I'm sitting across a booth from Russ Baker at the Penny Farthing, a cavernous pub just off Union Square in Manhattan's East Village, learning about mercury levels in fish. He's telling me they're dangerously high. The salmon should be okay. But tuna and swordfish are trouble. It's not nearly as provocative as hearing him argue that Tamerlan Tsarnaev might've worked for the FBI, but it is one more thing that Baker is certain we would all be alarmed by—if only we were paying closer attention.

I order the Cobb salad.

It's an unseasonably warm Friday afternoon in mid-October. Baker is coming off a case of laryngitis, and his high-pitched voice is raspy. His hair, swept straight back, is gray, and his pinstriped collared shirt is rumpled and untucked—the disheveled uniform of someone who works from home. Removing his half-rim tortoiseshell glasses, Baker reveals dark circles under his eyes. Despite his weary appearance, Baker will hold court for the next five hours without flagging. His vigor is remarkable.

He wants to begin by telling me about himself. This exercise, however, is complicated by his reluctance to divulge details like his exact age (he was born in the late '50s, according to an article he links to on his personal website), his marital status, or the full names and locations of family members—anything that would make him more vulnerable to covert surveillance, intimidation, or worse.

Why does Baker worry about such things? He believes Americans who challenge the status quo are punished and is suspicious of governments and business interests—anyone who may feel threatened by his work. “We are told constantly not to rock the boat,” he says. “We are told in very subtle ways not to do things by examples of those who do.”

Baker is a journalist, and to hear a lot of people tell it, he's a damn good one. In almost three decades on the job, he's contributed to the *New Yorker*, the *New York Times*, *Vanity Fair*, and many other prestigious publications, winning his fair share of distinguished awards. “He's an indefatigable reporter who has made a specialty of digging deep into stories when most other people have left the story,” former CBS News anchor Dan Rather tells me later. “And he's very good at raising the right questions.”

Over the past decade, however, Baker has abandoned the mainstream media and become a key player on the fringe, walking that murky line between conventional investigative journalist and wild-eyed conspiracy theorist—a term that, unsurprisingly, he despises, although in December he did an “Ask Me Anything” for Reddit's “Conspiracy” board. Since April 2013, Baker and his online nonprofit news outlet, WhoWhatWhy, have been raising provocative questions about the Boston Marathon bombings. Questions like “Does New Boston Bombing Report Hint at Hidden Global Intrigue?” and “‘Boston Strong’—A Feel Good Distraction from a Darker Truth?” and “Is Officer Collier's Killer Still at Large?”

Baker's cagey about where he stands on the answers. “I think it's very important to be agnostic and open-minded about everything,” he says. “I am equally distrustful of the establishment explanation for things [as well as] the knee-jerk alternative default scenario, which says that the government is lying about everything. And because of that, there are always a lot of people who are unhappy with me.”

It would be a lot easier to dismiss Baker as a nut and move on if it weren't for his three decades of award-winning investigative-reporting experience. But at the very least, this veteran journalist believes the federal government is covering up a security lapse at the marathon. He also seems pretty certain that Tamerlan Tsarnaev was cooperating with the FBI before April 2013—a notion

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that might sound familiar to anyone who remembers the name James “Whitey” Bulger. And Baker is not willing to rule out the possibility that the bombings were a false-flag operation conducted or permitted by elements of the American government in order to justify the Homeland Security complex. What’s more, Baker is not happy that Bostonians have accepted the official explanation of the bombings, saying he—for one—is not nearly done asking questions.

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Born in Southern California during the twilight of the Eisenhower administration, Baker took his early cues from his father, who was more Abbie Hoffman than Ward Cleaver. Len Baker started out working as a systems analyst in the aerospace industry, but as the Vietnam War grew deadlier, he quit his job and joined the peace movement, dragging his young son to antiwar demonstrations on weekends. Baker’s father also took his family to live for short stints in Europe and Mexico. One summer, he sent his son to a “work camp,” where Baker picked fruit and plowed fields each morning at dawn. “I guess it was some liberal’s idea of building character,” Baker jokes. Baker’s father eventually opened a business importing children’s toys.

Len’s politics, however, had rubbed off on Baker. “Putting aside North Korea,” Baker says, he learned that “we may be the most propagandized country on Earth.” While in elementary school, he joined Eugene McCarthy’s 1968 presidential campaign. He still remembers waving his campaign sign on the night of McCarthy’s California primary rally and being tossed up in the air by “some famous athlete” in the crowd. McCarthy lost to Robert Kennedy, but that “was an exciting night,” Baker says. “We got home, turned on the evening news, and that’s where I learned that Robert F. Kennedy had been shot and killed. Even at that age, I realized how vulnerable a democracy is to those who want to derail it.”

Baker had his first desk in a campaign office before he was a teenager, and he set up a business selling political memorabilia at 14. He then enrolled at UCLA, where he served as president of the Bruin Democrats. “Russ was one of the most outstanding individuals I had ever run into in this age frame—intellectually alive, able to articulate it both verbally and in writing,” recounts Rick Tuttle, then an associate dean of student activities who was active in the same progressive political circles as Baker and his family.

After college, Baker followed in his father’s footsteps and became a merchandise sales rep, a job he considers the perfect training for journalism. “Writing an article is a sales job,” he says. “Ideally, you’re working with some good-quality material, and then you have to tell the story. This is the key to salesmanship and it’s the key to journalism, and it is the key to the Boston Marathon bombing story. You’re trying to sell something that you believe to be of value and you’re trying to overcome the most vigorous objections of very entrenched interests and people whose personal sense of well-being is dependent on what you’re saying not being true.”

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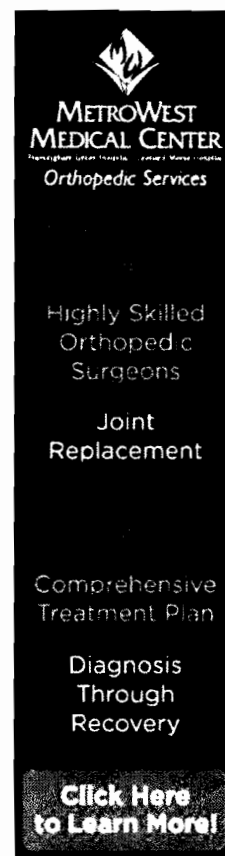
Selling merchandise like his father could satisfy Baker’s restless mind for only so long. After several years, he started taking what he calls “weird vacations.” It was the mid-1980s, the Reagan administration was inserting itself into Central American civil conflicts, and Baker was curious, so he traveled to El Salvador and Nicaragua. He found the violence in El Salvador “terrifying” and discovered for himself that the socialist Sandinista government in Nicaragua was not as evil as the U.S. government had gone to great lengths to make it appear.

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He enrolled at Columbia Journalism School, and after graduation worked as a metro reporter with *Newsday* in New York City.

The next year, Baker once again followed his nose to a far-flung corner of the world, this time to cover a story that would further refine his views on power and information. In 1988, he traveled to the East African nation of Burundi to expose the Tutsi massacres of Hutus—a harbinger of the Rwandan genocide. There, he saw “whole families macheted to death” in remote villages. “This I will never forget,” Baker tells me. In “any society, those unspoken differences can flare up in an atmosphere of panic, terror, fear, anger—particularly when it’s all being fed deliberately by disinformation. And this relates again to the Boston bombing story, where I saw this rush to judgment, this lockdown of the city, people told not to think, everybody to direct all of their anger and suppositions at the certitude that it was these two guys. I saw the same lockdown of the mind, the [same] prevalence of fear, and the [same] pack mentality, the language of propaganda, like ‘Boston Strong.’ These are the uses of propaganda that are so dangerous.”

More: The Toughest Questions About Dzhokhar Tsarnaev’s Trial

Drawn to the notion of toppling oppressors and authoritarian rule, he flew to East Germany in 1989, just before the Berlin Wall fell. The following month, he was among the first foreign journalists on the ground covering the Romanian revolution. After the fall of Communism, Baker concluded his extraordinary run abroad and returned to New York, where he continued writing investigative articles for numerous newspapers and magazines. On the morning of September 11, 2001, Baker was on the scene at the World Trade Center reporting for the *Los Angeles Times*. Two years later, while the *New York Times* and *Washington Post* were heaping praise on Colin Powell’s now-infamous presentation of the trumped-up case for war with Iraq at the United Nations, Baker was scrutinizing the intelligence and standing strong against the tide, publicly doubting the Bush administration’s rationale for war. It was a fiercely unpopular stance at the time, but Baker, history proved, was on the right side.

By his mid-forties, Baker had earned his stripes as an investigative reporter with a gift for raising questions that few others asked. During the run-up to the 2004 presidential election, however, he found a story that brought all of his natural skills and life experiences together like never before, including his father’s political activism, his ability to see the United States from an outside perspective, and his reluctance to swallow the party line. It was a story that changed the course of Baker’s career and ultimately thrust him into self-imposed exile from the mainstream media.

It all started when Baker began digging into George W. Bush’s record with the Texas Air National Guard during the Vietnam War. Dan Rather would famously clash with CBS News and leave the network after it retracted his story about Bush’s service when right-wing critics charged that documents used to support the story were phony. Baker—whose initial reporting on the subject was published days after Rather’s—not only believes the substance of Rather’s report, but takes it a step further by alleging that Bush’s political team likely forged and planted the suspicious documents to undermine the story.

In the election’s aftermath, Baker was so troubled by Bush’s victory that he vowed to write a book about it. The project took a life-altering turn, however, when Baker discovered an interview during which Bush’s father, George H. W. Bush, said he couldn’t remember where he was on the

day John F. Kennedy was assassinated—an odd claim that had somehow gone largely unexamined. After all, *everyone* alive at the time remembered where they were when JFK died—why couldn't H. W.? Seeking the answer to that question dragged Baker into the Bermuda Triangle of journalism: the realm of JFK assassination theories.

In the resultant book, *Family of Secrets*, Baker ended up devoting as much attention to 41 as he did to 43, including a dogged investigation of the elder Bush's whereabouts on November 22, 1963. Baker places George H. W. Bush in Dallas on the night before and likely the morning of Kennedy's assassination—and believes there is evidence of an FBI record of Bush telephoning agents, minutes after the shooting became public, to say he'd heard that a Republican activist in Texas had talked about killing the president. A Bush aide later provided an alibi for the man. Cobbled together from facts as well as circumstantial evidence, Baker's book concludes that George H. W. Bush worked for the CIA long before he became the agency's director in 1976, and it implies that he was somehow involved in Kennedy's assassination.

Family of Secrets was trounced by the mainstream media: "There are more crutches in these pages," wrote the *Washington Post*, "than in the grotto at Lourdes." And yet it's an impressive feat of reporting, its pages filled with constellations of intriguing and often troubling facts. Baker's editor, Peter Ginna, told the *New York Observer* in 2009, "I worked at Oxford University Press for 10 years and published several Pulitzer Prize-winning historians, and I have not published any book that was more extensively documented and more impeccably footnoted than this one." Gore Vidal called it "one of the most important books of the past 10 years."

Still, if journalism is—as Baker says—a sales job, he ultimately failed to seal the deal. Tim Weiner, winner of the Pulitzer Prize and the National Book Award and author of CIA and FBI histories, calls the book "a carnival of conspiracy theory," telling me, "Russ Baker's a perfectly decent human being who's done perfectly decent work in the past, and I do not mean to impugn him or his motives. I'm sure he is driven by the search for truth that drives reporters everywhere, but conspiracy theory in which there's a giant octopus that connects disparate events and provides a unified field theory explanation of otherwise disparate events is not either journalism or history." Even Rick Tuttle, Baker's mentor at UCLA, couldn't endorse the book. "I don't buy it," he says. "I don't buy into the view he has of all the sins of the Bush family."

Despite the widespread dismissal of his book, Baker's outlook was permanently colored by his experiences investigating Bush and the Kennedy assassination. He became "more skeptical of official accounts than he might have been before," Ginna tells me. "I don't necessarily share every idea or everything that he's skeptical about with him, but I do think it's really important for somebody to do investigative journalism and dig up things that other people aren't finding."

"To some extent, I've always been a little bit suspicious of the surface narrative," Baker explains. "I think that what has changed is my understanding of the profundity of the disconnect between what we're told and the reality of what's going on."

Before writing his book, Baker says, he shied away from investigating certain controversial topics, wary of being labeled a nut or a crackpot. Now, the gloves are off. He's published stories about ties between the 9/11 hijackers and Saudi Arabia's ruling class and has aired his suspicions about the collapse of World Trade Center Building 7. In March 2010, he dove headfirst into the deep end and accepted an invitation to the Treason in America Conference, a gathering of 9/11 truthers. Speaking into microphones held together with electrical tape in front of a podium at the Valley Forge Convention Center in Pennsylvania, he chided the mainstream media and said the 9/11 commission had "no credibility." Citing as precedent Operation Northwoods—a plan

approved in 1962 by the Joint Chiefs of Staff to commit acts of terrorism against Americans and blame Cuba in order to justify invading the tiny island—Baker sounded open to the possibility that 9/11 was an inside job.

Being subversive or an outsider has never been easy in America, and Baker says he's paid a price for his views, rattling off job offers he never received or accolades that never came his way.

"When you start diverging more and more from the choir, it makes it much more difficult to be accepted by traditional institutions," he says. "There are going to be fewer and fewer invitations to sit on panels for Columbia Journalism School."

You might not think it based on Baker's willingness to stick his neck out, but he is keenly self-aware and sensitive to the idea that I'll portray him as "kooky." Baker is not a kook. Nor is he exactly pure. When weighing inconclusive evidence, he often puts his thumb on the scale in order to believe the worst about his targets: the Bushes, G-men, oil executives, and administration officials. But there are worse journalistic crimes, Baker says, pointing out that established media outlets merely regurgitated information after 9/11 without investigating the administration's reasons for waging war in Iraq.

Digging in the margins, Baker sometimes uncovers troubling connections long after his journalistic counterparts have given up the fight. Building on reports that a Saudi family living in Florida had been in contact with one of the hijackers prior to the attack on the World Trade Center, Baker reported in 2011 that the family also had ties to a high-ranking member of the Saudi royal house. At the time, tying the Saudi state directly to a family that appeared to be complicit in the attack seemed like a lunatic-fringe claim. Baker was reporting on an angle that the mainstream American media had long considered dead.

Was he onto something? It's hard to say. Two years later, in December 2013, the *New York Post* ran an op-ed from a conservative columnist, "Inside the Saudi 9/11 Coverup," that outlined numerous connections between the Saudi government and the hijackers, and rebutted the idea that "al Qaeda acted alone, with no state sponsors." The article focused on 28 pages that then-President Bush had censored from the 9/11 Commission Report that purportedly detailed Saudi government support for the attacks. Former Senator Bob Graham, of Florida, who led a joint investigation into 9/11 as chairman of the Senate Intelligence Committee, had read those secretive 28 pages. He has since publicly sounded the alarm about Saudi state support for the 9/11 attack—and, addressing whether the FBI attempted to cover up the Florida connection, called the episode "confounding, troubling, disturbing...one of the few things [over which] I have trouble going to sleep at night."

Three years ago—in a kind of self-imposed exile from the mainstream media—Baker began running WhoWhatWhy full time, trying to bootstrap his startup into a full-fledged newsgathering operation. He started from the top down, assembling a laundry list of notorious provocateurs and seasoned investigative reporters on his editorial advisory council, including Daniel Ellsberg and Sydney Schanberg, who won the Pulitzer Prize after reporting on the "Killing Fields" of Cambodia for the *New York Times*. Neither actually writes for the site. Instead, Baker's volunteer social-media editors include a "rocker" in L.A. and a guy with a master's degree in history who parks cars for a living. "It is," says Baker, "a very motley crew."

When I meet up with Baker in the East Village, WhoWhatWhy is in growth mode. The organization's last publicly available tax filing shows it made \$277,565 in revenue in 2013. Baker says the 2014 haul will be closer to half a million dollars, nearly doubling its take in less than a year. That's an impressive revenue gain, given that the site—up until recently—had a decidedly

Web 1.0 look and attracts only about 80,000 unique monthly visitors. There's no question that the marathon-bombing story has been good for business, driving up readership and donations. Baker has thrown more resources at the bombings than any other story his team reports, and he sees the coverage as a model for the treatment he will give other topics in the future.

So far, WhoWhatWhy has published more than two dozen lengthy articles about the marathon bombings. But rather than offer explosive new revelations, most of the stories reexamine the record of events surrounding the explosions and attempt to pick apart the official story. In sometimes excruciating detail, the site has examined inconsistencies in the various accounts of the carjacking of "Danny," the motives for Danny's anonymity, and the motive given for the Tsarnaevs' alleged murder of MIT police officer Sean Collier. Baker also argues a circumstantial case that the FBI recruited Tamerlan as an agent or informant. (The bureau, it goes without saying, has categorically denied that assertion.) Occasionally, Baker's site has included predictions that have proven dead wrong—such as the suggestion that the marathon bombings would bring Russia and the United States closer together.

It's not surprising that Baker's skepticism is met with eye-rolls, or worse. "If there is one lesson that I've learned from my experience in nearly three decades of doing this reporting," says Weiner, the Pulitzer winner, "it's that you should never chalk up to conspiracy what you can reliably attribute to stupidity. Because stupidity is a much more powerful force in the course of human events, and I think that the Boston bombing massacres were carried out by a couple of stoned knuckleheads who wanted to make their mark on the world."

WGBH's Emily Rooney, who investigated the Church of Scientology alongside Baker in the 1990s for a Fox newsmagazine program that never got off the ground, says she has tremendous respect for Baker and is "always curious to see the kinds of questions he raises." Rooney, however, does not share his concerns about a cover-up regarding the marathon bombings—and took him to task on her TV show, *Greater Boston*, last year. "He's just challenged the work of other journalists," she says, "but without actually offering up the evidence that there is indeed another shoe on this. Sometimes I think you have to do more than raise the question, especially journalistically. I think in some ways Russ has made sort of a shtick about being contrary or skeptical in some areas where it's not warranted. Maybe it's the only way he can sell something."

Baker's hard-driving skepticism can take a dark turn, particularly when he talks about Boston's reaction to the marathon bombings. Where others saw solidarity and strength in slogans like "Boston Strong," Baker sees only propaganda. "Boston is not strong," he declares. "Boston is scared shitless."

With quotes like that, it's probably a good thing that Baker doesn't live here. "It's hard to dignify nut jobs like this with responses," says David "El Pres" Portnoy, the founder of Barstool Sports, which has raised hundreds of thousands of dollars for bombing victims selling "Boston Strong" and "This Is Our Fucking City" shirts. "It's just so stupid I don't know how you even address it in a logical manner."

Baker, though, has little time for critics. Like many people operating on the fringe, he believes most of them privately agree with him and only criticize him publicly to maintain their standing in establishment circles. I ask him if he worries that his punditry and theorizing could upset the bombing victims and their families. Does he care that things he writes could be upsetting to Sean Collier's mother? "Of course I care about Sean Collier's mother, but I care about everybody's mother," he responds. "What I find hypocritical about journalism is that they think that somebody's mother is a basis not for telling the truth. I would hope that Sean Collier's mother would not want to be part of a lie."

Over the past 15 years, Baker has never been afraid to make outrageous claims—and occasionally, he's even been right. He was among the first reporters to make Americans aware of the growing Hutu-Tutsi violence in Africa, six years before the genocide erupted in Rwanda. And he was one of the first journalists brave enough to accurately report the fact that key members of George W. Bush's administration were planning to invade Iraq long before the attack on the World Trade Center. Which begs the question: With accused marathon bomber Dzhokhar Tsarnaev's trial scheduled for later this month, which is more dangerous, listening to Russ Baker, or ignoring him?

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EyesWideOpen · 20 hours ago

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Ben, contact Russ to be sure he is ok.

See, the corrupt can't handle the TRUTH...

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EyesWideOpen · a day ago

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Armand: Interview with the Vampire

"The world changes, we do not, therein lies the irony that finally kills us."

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dougkinan • 3 days ago

Too bad there aren't more Russ Baker's around.

dougkinan@yahoo.com

1

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Ashley Diane Henry • 4 days ago

Good article, I have read some of his work, he makes some good points. However, why do I feel as though this is another distraction from the entire truth? Seriously. In all the questions that he poses, the one thing he doesn't question, is the legitimacy of the alleged victims. I am NOT saying that these people were never injured, they just were not injured at the Boston Marathon. I have a substantial amount of evidence to back up my claims and I live for the day where I can walk into a courtroom and make it all public.

Lastly, my goal is not to offend, but to ensure justice, for the accused AND for the countless Americans/Canadians/etc who have donated to these causes, by exposing one, I'll expose them all.

1

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Portent401 → Ashley Diane Henry • 2 days ago

"I am NOT saying that these people were never injured, they just were not injured at the Boston Marathon. I have a substantial amount of evidence to back up my claims and I live for the day where I can walk into a courtroom and make it all public."

Hey, Ashley, since you're brimming over with conceit regarding the false narrative of the Boston Marathon bombings, why don't you just offer up the 'debunking' evidence you claim to have right here on this website -- instead of exposing the psychological imbalance evidenced by your terminal cognitive dissonance, i.e., Boston weak-in-the-head?

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Jackie • 5 days ago

If people actually take the time to read this article I think they will find aspects of it interesting and it may raise a few questions but given what the author named the piece its like he's trying to make sure no one actually reads it or starts off so pissed that they will discount everything in it which is a shame

1

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L_L_L_L • 3 days ago

Interesting article.

One reason the government's narrative regarding 9/11 stands is due to SECRECY and no challenges from the Press. Here are two examples...

1. Ask anyone in America and they will let you know how they were educated regarding the perpetrators of 9/11. According to the official narrative a group of islamic extremists with no competent intelligence support out witted the CIA, NSA, DIA, FBI and a dozen other intelligence agencies in executing the 9/11 attacks. Things like these SECRET 28-pages if they were made public would demonstrate that the terrorists did have competent support from guess who, yes, the Saudis. This information would beg certain questions and open a can of worms regarding the Bush administration. The Press remains silent.

2. The Truthers are supposed to be crazy when they talk about things like WTC7 but let's be clear about the two sides of the Building 7 argument.

The further position for WTC? See building / exhibit a sudden total
[see more](#)

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PhillyGuard · 8 days ago

"The article focused on 28 pages that then-President Bush had censored from the 9/11 Commission Report that purportedly detailed Saudi government support for the attacks." For more on the movement to declassify those 28 pages: <http://28pages.org/>

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Names You'll Hear at the Tsarnaev Trial



The trial of Dzhokhar Tsarnaev will feature a bevy of names, faces, and biographies to remember.

By Eric Levenson

Boston.com Staff | 01.05.15 | 8:48 AM

The trial of Dzhokhar Tsarnaev, the man accused of setting off the bombs that killed three and injured 260 at the finish line of the Boston Marathon, begins January 5. The trial is expected to last several months, and over that time, there will be plenty of names, faces, and biographies that you'll need to remember.

Here's your guide to the major characters likely to be featured during the trial, including the suspects, the Tsarnaev family, several potential witnesses, a few of the bombing's victims, and the lawyers and judges who will be present in the courtroom.

THE SUSPECTS



Name: Dzhokhar Tsarnaev

Who is he? The prime suspect in the marathon bombings.

Dzhokhar grew up off of Norfolk Street in Cambridge in a packed house with his three siblings and two parents. He was the brains of the family; high school friends told The Boston Globe Dzhokhar was a good student and a captain of his wrestling team. He was also a consistent marijuana smoker.

Dzhokhar attended UMass Dartmouth, where he became known as a "high-volume pot dealer" on campus, The Globe wrote. Although he consistently had confrontations over alcohol or drug use with local police, he maintained a clean legal record. He became a naturalized US citizen in 2012.

Dzhokhar was a poor student and failed several of his college classes, threatening his financial aid. With his education falling apart, he began spending more time with his older brother Tamerlan at their Cambridge home going over radical jihadi and conspiracist online posts. Dzhokhar

reportedly admitted to downloading an English-language Al-Qaeda article titled "Make a bomb in the kitchen of your mom."

According to the indictment against Dzhokhar, on April 15th, 2013, he and Tamerlan allegedly placed two backpacks containing improved explosive devices (IEDs) at 671 Boylston Street and 755 Boylston Street near the Boston Marathon finish line. He and Tamerlan then allegedly detonated the explosives, killing three people and injuring over 260 people.

Three days later, the FBI released images of the two brothers as prime suspects in the explosions. At about 10:25 p.m., the Tsarnaev brothers allegedly shot and killed MIT police officer Sean Collier near the college campus. Prosecutors say the brothers then carjacked "Danny" — a Chinese immigrant and entrepreneur — and drove his Mercedes SUV through Cambridge, Brighton, and Watertown.

As the night of April 18th turned to the morning of April 19th, police located the vehicle and made chase through the streets of Watertown. The Tsarnaev brothers allegedly fired shots out of the car window at police, and lobbed four improvised explosive devices at the cops. When three police officers were able to subdue Tamerlan, Dzhokhar drove the Mercedes at the group. He missed the officers but ran over Tamerlan, "contributing to his death," the indictment says. Dzhokhar was later found hiding in a boat a few streets away and was taken into custody.

A grand jury hit Dzhokhar with a 30-count indictment, including charges for bombing, use of a weapon of mass destruction, and murder. He could face the death penalty if convicted.



Tamerlan Tsarnaev.

AP Photo/Chris Wedel

Name: Tamerlan Tsarnaev

Who is he? The deceased older brother of Dzhokhar and the other suspect in the Boston Marathon bombing. His story was most deeply reported by The Boston Globe. Tsarnaev trained as a boxer at Somerville Boxing Club and was a promising fighter in the region. He married and raised a child with Karima Russell (née Katherine), who largely supported her husband.

In 2009, police responded to a call from Tamerlan's then-girlfriend Nadine Ascencao alleging she had been assaulted, and Tsarnaev admitted he hit her. He was charged with assault and battery, but the charges were eventually dismissed.

Tamerlan's best friend and two others were murdered in 2012 in Waltham. Tamerlan, conspicuously to friends, did not attend the funeral. Another friend, Ibragim Todashev, told investigators that Tsarnaev was involved the murders. But Todashev was killed by FBI investigators, leaving open a number of questions. The triple murder remains unsolved.

Soon after, Tsarnaev spent seven months in the southwest Russian region of Dagestan. When he returned to Cambridge, he was far more serious about Islam and about himself, according to The Globe. He began speaking to a

confidant at his mosque about hearing voices in his head, and became an active consumer of online conspiracy theories and jihadi websites.

Prosecutors say that on April 15, 2013, Tamerlan and Dzhokhar detonated two bombs on Boylston Street that killed three people and injured 260 others. Three days later, the FBI released images of Tamerlan and Dzhokhar and said they were the prime suspects.

They allegedly carjacked a vehicle and held a Chinese immigrant named "Danny" in the vehicle at gunpoint. "Danny" escaped, and soon police located the vehicle and made chase through the streets of Watertown. Tamerlan and Dzhokhar allegedly threw several IEDs at the police on their tail.

During the shootout with police in Watertown on the early morning of April 19, Tamerlan was shot several times and subdued by police. Dzhokhar then allegedly drove the Mercedes directly at Tamerlan and the group of police surrounding him. The police evaded the vehicle, but Tamerlan was run over by his brother, "contributing to his death." He was 26.

THE FAMILY



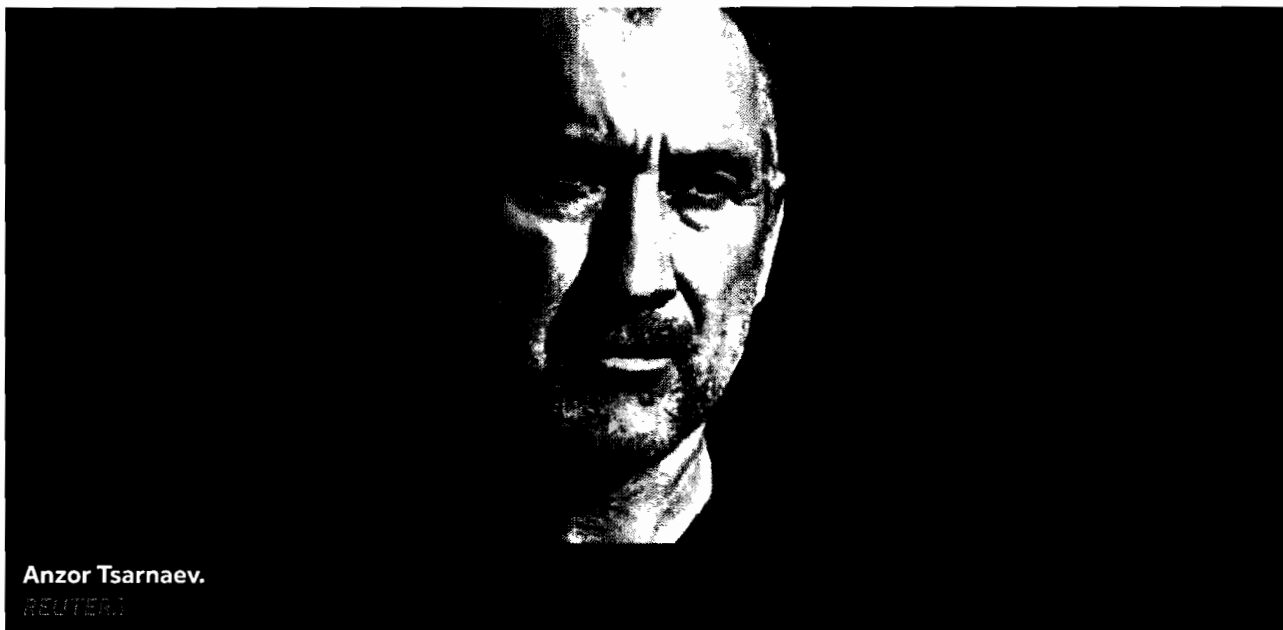
Name: Zubeidat Tsarnaeva

Who is she? The mother of the Tsarnaev brothers. She grew up in Russia and

moved to the US in 2002, and she and her husband Anzor Tsarnaev settled in Cambridge. Tsarnaeva went to beauty school and worked as a state-licensed aesthetician. The couple had four children: sons Tamerlan and Dzhokhar, and daughters Bella and Ailina.

In the last five years, former friends and clients said she turned closer to radical Islam. One former client said Tsarnaeva believed that the US government committed 9/11 to turn America against Muslims. In 2011, Russian authorities alerted the CIA with concerns that Tsarnaeva and Tamerlan Tsarnaev were religious militants after the two spoke about jihad in a secretly recorded phone call. The two were added to a terrorist database, the AP reported.

Now back in Russia, Tsarnaeva has insisted that her sons are innocent, and she has accused the US government of waging a conspiracy. "It's all lies and hypocrisy," she said. "I'm sick and tired of all this nonsense that they make up about me and my children."



Name: Anzor Tsarnaev

Who is he? The father of the Tsarnaev brothers. An ethnic Chechen, Tsarnaev grew up in Kyrgyzstan and moved to the US in 2002 with his wife Zubeidat Tsarnaeva and their kids. He worked in Cambridge as an auto

mechanic.

The Boston Globe described him as non-religious but harshly traditional, arranging marriages for his daughters and punishing his sons' dalliances with alcohol or drugs. He was also prone to emotional outbursts. A head injury in 2009 sent Anzor to the hospital, and severe, painful headaches forced him to stop working.

He and Zubeidat divorced in 2011, and he moved back to Russia. Like Zubeidat, Anzor has said he believes his sons are faultless. "The police are to blame," he told ABC News. "Someone, some organization is out to get them." He has called his son Dzhokhar a "true angel."



Name: Karima Russell

Who is she? The widow of Tamerlan. She was formerly known as Katherine. She was raised Catholic, and met Tamerlan at a downtown club in Boston while she was a student at Suffolk University. Katherine converted to Islam and changed her name to Karima, and the two married and had a daughter. Her job as a home health aide provided for the family, as an unemployed Tamerlan took care of their child.

Russell claims she did not know about the bombing plot, and has not been

charged with any crimes in relation to the bombing. She moved back to her parents home in Rhode Island with her daughter after the bombings, and has since been seen in New Jersey living with the Tsarnaeva sisters.



Name: Ailina Tsarnaeva

Who is she? The sister of the Tsarnaev brothers and the third of the children. At 16 years old, her parents arranged for her to be married to a 20-year-old Kazakhstani native, and they had a child soon after. The marriage did not last after he was charged with (and pled guilty to) assaulting her.

Ailina has had legal troubles of her own. In 2010, she allegedly paid a Boston Applebee's with counterfeit money, and she pled guilty to misleading police in November 2014, avoiding jail time.

Since her divorce, she began a relationship and had a child with a man in the midst of a bitter custody battle. Court documents say Ailina threatened the man's ex, saying "I know people that can put a bomb where you live." She was charged with aggravated harassment.

Ailina and her sister Bella have visited their little brother Dzhokhar in jail, and appeared at his arraignment in July 2013.

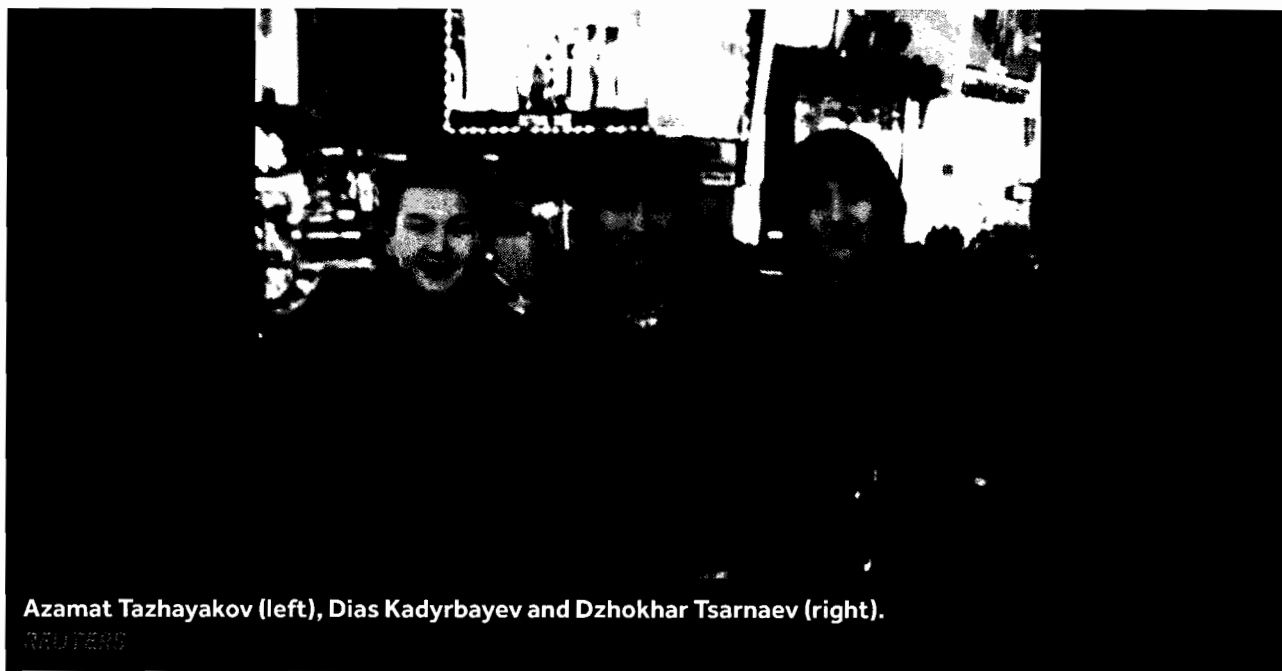
Name: Bella Tsarnaeva

Who is she? The sister of Tsarnaev brothers and the family's second-born child. She dropped out of high school and moved to Kazakhstan to marry, but returned to Cambridge with a baby after her marriage failed.

She was arrested for possession and intent to distribute marijuana in 2012, and reached a plea deal to avoid a criminal record. She and her sister Ailina share an apartment in New Jersey with their children.

Bella and Ailina have visited their brother Dzhokhar in jail, and appeared at his arraignment in July 2013.

THE FRIENDS



Azamat Tazhayakov (left), Dias Kadyrbayev and Dzhokhar Tsarnaev (right).

REUTERS

Name: Azamat Tazhayakov

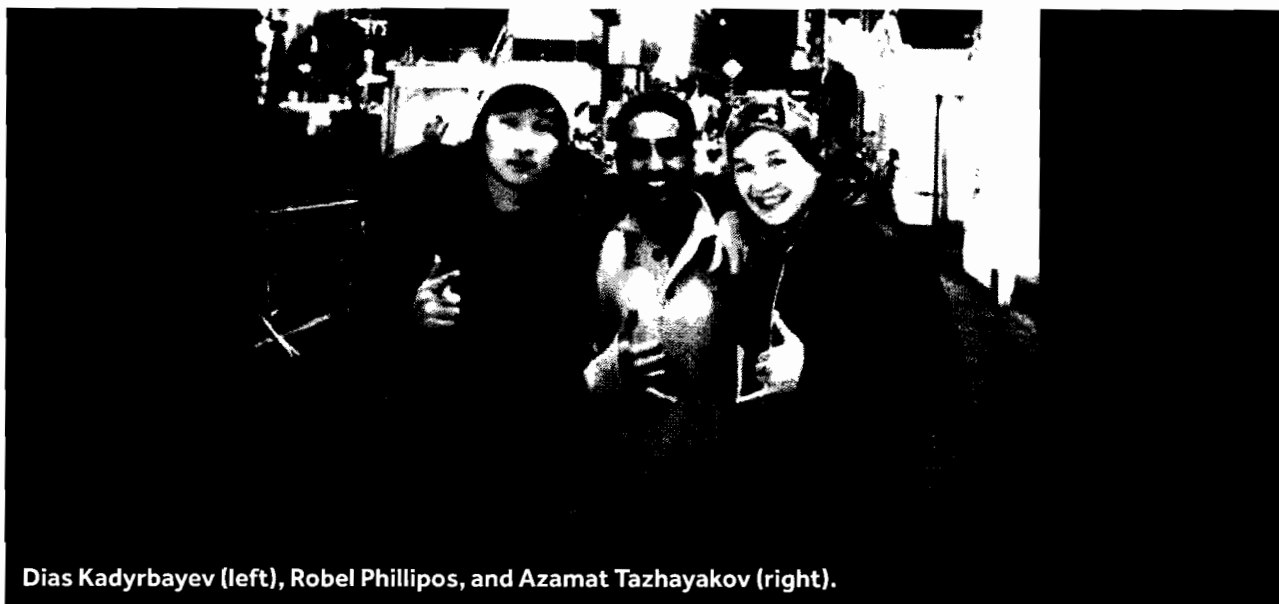
Who is he? A friend of Dzhokhar Tsarnaev who was convicted of obstruction of justice in July. Tazhayakov, a Kazakhstani citizen, attended UMass Dartmouth on a student visa, where he befriended Tsarnaev, Robel Phillipos, and Dias Kadyrbayev. He and Kadyrbayev were roommates.

As prosecutors told it, Tazhayakov, Kadyrbayev, and Phillipos went to Dzhokhar Tsarnaev's dorm room three days after the Boston Marathon bombings. There, Tazhayakov and Kadyrbayev took a laptop and a backpack of Tsarnaev's things, including hollowed-out fireworks, and removed them

from the room. The backpack was later found by the FBI in a nearby landfill, and the laptop was recovered from the shared apartment of Tazhayakov and Kadyrbayev.

For removing those items during an active investigation, Tazhayakov was charged with obstruction of justice and conspiracy to obstruct a terrorist investigation. His defense team tried to place blame on Kadyrbayev and portray Tazhayakov as a passive actor and "good kid." Tazhayakov was found guilty and faces a maximum of 25 years in prison.

In an attempt to reduce that potential sentence, Tazhayakov testified during Phillipos's trial in October. He was due to be sentenced in November, but a pending Supreme Court decision regarding the obstruction of justice law caused the judge in the case to delay sentencing.



Name: Dias Kadyrbayev

Who is he? A friend of Dzhokhar Tsarnaev who pleaded guilty to obstruction of justice and conspiracy in August. Kadyrbayev, a Kazakhstani citizen, attended UMass Dartmouth on a student visa. There, he befriended Robel Phillipos, Azamat Tazhayakov, and Tsarnaev. He and Tazhayakov were roommates.

Three days after the bombings, once the FBI released images of the then-

unidentified suspects, Kadyrbayev allegedly exchanged several texts with Tsarnaev, according to text records. "u saw the news?" Kadyrbayev texted. "u saw urself there?" Tsarnaev then responded: "Ifyu want yu can go to my room and take what's there."

According to prosecutors, Kadyrbayev, Tazhayakov, and Phillipos then went to Tsarnaev's dorm room and removed a laptop and a backpack of his things, including hollowed-out fireworks. Kadyrbayev allegedly threw the backpack in a dumpster behind his New Bedford apartment. It was later recovered in a nearby landfill.

Kadyrbayev was charged with obstruction of justice and conspiracy to obstruct justice, and faced a maximum of 25 years in prison if convicted. A month after Tazhayakov's conviction, Kadyrbayev pled guilty to all of the charges. In exchange, prosecutors agreed to limit his sentencing to a maximum of seven years. As with Tazhayakov, sentencing for Kadyrbayev has been delayed pending the result of a coming Supreme Court decision regarding the obstruction of justice federal statute.



Name: Robel Phillipos

Who is he? A friend of Dzhokhar Tsarnaev who was convicted of lying to

investigators. Phillipos, a US Citizen, graduated from Cambridge Rindge and Latin High School in 2011 along with Tsarnaev, and they often hung out as students at UMass Dartmouth along with Dias Kadyrbayev and Azamat Tazhayakov.

Phillipos's charges revolved around the events of April 18, three days after the bombings, when prosecutors said Phillipos visited Tsarnaev's dorm room with Kadyrbayev and Tazhayakov. There, Phillipos, allegedly looked on as the others removed a backpack of Tsarnaev's things, including fireworks, from the room.

In subsequent interviews with FBI investigators, officials said Phillipos made nine false statements about his whereabouts on that day and what he saw in the room. He was charged with two counts of lying to investigators in a terrorism case. In court, Phillipos's lawyers argued that he was "high out of his mind" on marijuana and could not clearly remember the events of that day.

In October, a jury found Phillipos guilty of both lying charges and ruled that he was guilty of five of the nine false statements. He remains under house arrest until sentencing.



Name: Stephen Silva

Who is he? A friend of Dzhokhar Tsarnaev who pled guilty to charges of drug trafficking and possession of a handgun with a defaced serial number.

Authorities believe that gun, a Ruger P95 9mm pistol, is the same one that the Tsarnaev brothers allegedly used to kill MIT police officer Sean Collier.

The gun was recovered in Watertown after the shootout between police and the Tsarnaev brothers.

Silva originally pleaded not guilty to the gun and drug charges. He changed his plea in December and reached a plea deal with federal prosecutors. The details of the plea deal have not been made public.

"I smoke a lot of weed every day because my best friend was the bomber," Silva said, according to a police report in November 2013.

Silva and his similarly-named twin brother, Steven, were both Dzhokhar's friends and graduates of Cambridge Rindge and Latin. Steven has not been charged with any crimes.



Ibragim Todashev.

(AP/Orange County Corrections Department)

Name: Ibragim Todashev

Who is he? Todashev, a 27-year-old friend of Tamerlan Tsarnaev, was shot and killed by an FBI investigator while being questioning at his Florida home

in May 2013. Todashev allegedly admitted to being involved in an unsolved 2011 triple murder in Waltham and told FBI and Mass. State Police investigators that Tamerlan Tsarnaev participated as well. Todashev then allegedly attacked the FBI investigators, throwing a coffee table at one investigator's head and charging with a metal pole. He was shot seven times by an FBI investigator and died on scene.

The shooting and subsequent lack of information has been criticized by Todashev's family and the ACLU. Investigations from the Florida State Attorney's office and Department of Justice found that the shooting was in self-defense and declined to press criminal charges.



Name: Khairullozhon Matanov

Who is he? A friend of the Tsarnaev brothers who was charged with obstruction of justice and lying to investigators in May 2014. Prosecutors say that Matanov, a citizen of Kyrgyzstan and legal US immigrant, took Tamerlan and Dzhokhar Tsarnaev out to dinner shortly after the bombing and visited Tamerlan two days later. Later, Matanov allegedly deleted files and videos on his computer and phone, prosecutors say, and lied to investigators about his encounters with the Tsarnaev brothers. He remains in jail pending the

charges. His trial is set for June 2015.

Name: Konstantin Morozov

Who is he? A Russian friend of Tamerlan Tsarnaev. Morozov, a livery driver and immigrant living in Boston, knew Tsarnaev socially from 2006-09 but told The Boston Globe they had not had much contact since then.

Problems arose for Morozov in May 2014, when FBI investigators approached Morozov and asked him to have a conversation with another of Tsarnaev's friends while secretly wearing a wire. Morozov refused. He then was detained in jail on immigration issues, which Morozov criticized as an unfair penalty for his refusal to spy on a friend.

THE POTENTIAL WITNESSES



Name: "Danny," or D.M.

Who is he? A Chinese immigrant and entrepreneur who was carjacked and kidnapped by the Tsarnaev brothers the night of April 18. Danny, whose full name has not been released, was in his Mercedes in Brighton when a man with a gun entered the car and forced Danny to drive, The Boston Globe reported. The man, later identified as Tamerlan Tsarnaev, admitted to Danny

that he shot a policeman and set off the bombs at the Marathon, Danny told CNN.

For 90 minutes, Danny drove Tamerlan and another younger man — identified as Dzhokhar Tsarnaev — through Brighton, Watertown, and Cambridge. He overheard the brothers discuss plans to go to New York, and was threatened into giving them his credit card and PIN number to withdraw money.

Danny's escape hastened the end of the brothers' attempted plan. As Danny relayed to The Globe, just after midnight at a cash-only Shell Station on Memorial Drive, Dzhokhar stepped out of the car to pay for a refill. Tamerlan, still in the car, put down his gun for a moment. Danny took advantage of the attention lapse, unbuckled his seatbelt, and sprinted away from the car. He made it to a nearby gas station, unfollowed by the brothers, and contacted police. Authorities were then able to track the Mercedes with the brothers in it, ending in their fateful shootout in Watertown.



Name: David Henneberry

Who is he? The Watertown owner of the boat where Dzhokhar Tsarnaev was finally captured. During the manhunt in Watertown on April 19, Henneberry noticed the cover on his boat in the backyard was slightly askew, and went to investigate. There, he discovered a pool of blood and Tsarnaev hiding inside

of the vessel. He called police, leading to the dramatic standoff, full of bullets and stun grenades, which ended in Tsarnaev's capture.

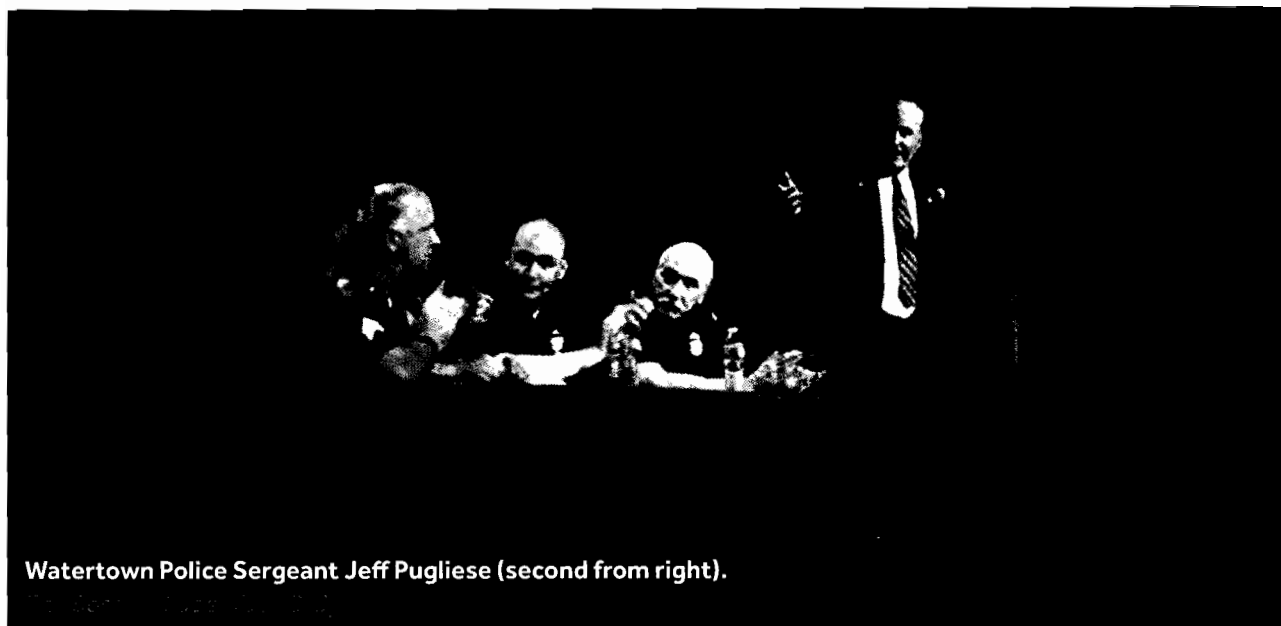
The boat, "Slip Away II," was riddled with bullet holes and taken into FBI evidence. Thanks to donations from well-wishers near and far, Henneberry and his wife purchased a new boat in September 2013.



Name: Richard Donohue

Who is he? An MBTA Transit Police officer who was shot during the Watertown shootout with Dzhokhar and Tamerlan Tsarnaev. Donohue was hit in the right groin, severing his femoral artery and causing a massive loss of blood. Fellow officers performed CPR on Donohue at the scene and he was rushed to Mount Auburn Hospital. Despite the blood loss, he survived.

The Boston Globe reports that the bullet was fired by another officer in a case of accidental friendly fire. After months of rehab, Donohue was sent home in June 2013. He was one of seven officers honored with a bravery award at the Statehouse on November 19. He is still recovering and has not yet returned to work.



Name: Jeffrey Pugliese

Who is he? The Watertown police sergeant who played a key role in the Watertown shootout between police and the Tsarnaev brothers in the early morning of April 19. Police believe Pugliese fired the shot that hit Tamerlan and brought him down, The Boston Globe reports. Pugliese and another officer tackled and subdued the elder Tsarnaev.

Dzhokhar Tsarnaev then drove the stolen Mercedes SUV at the cops, who dove out of the way to safety. Tamerlan Tsarnaev, though, was hit by the vehicle and dragged a short distance as Dzhokhar drove away.

Pugliese was one of several officials who testified before the House Homeland Security Committee in April 2014 about the night of the Watertown shootout.

Name: Andrew Dwinells

Who is he? Dzhokhar Tsarnaev's randomly-assigned roommate at UMass Dartmouth. Dwinells testified in both Azamat Tazhayakov's and Robel Phillipos's court cases, and said that he was not good friends with Tsarnaev and that their social groups did not overlap. He said that Tsarnaev slept a lot in the days after the bombing, but otherwise did not act out of the ordinary. Dwinells has not been accused of any crimes.

THE VICTIMS



Name: Martin Richard

Who is he? An eight-year-old boy killed by the bombing blasts. The Richard family — Martin, father Bill, mother Denise, older son Henry, and younger daughter Jane — all were standing alongside the barricade near the finish line on Boylston Street when the bombs exploded.

As The Boston Globe described in a harrowing piece, Martin did not survive the blast, Jane lost a leg, and both parents had significant injuries.

The family created The Martin Richard Charitable Foundation to honor his memory.



Name: Lingzi Lu

Who is she? A Boston University grad student who was killed in the bombing. Lu, 23, was originally from the Chinese city of Shenyang and came to Boston to earn a statistics degree. She played piano and was described by friends and colleagues as a smart and bright student with a “bubbly” personality.

To honor her life, Boston University founded a memorial scholarship fund in her name.



Name: Krystle Marie Campbell

Who is she? A 29-year-old woman killed by the Marathon blasts. She was near the finish line on Boylston street when the bombs exploded. Campbell grew up in Medford and lived in Arlington, and worked as a general manager and catering manager for Jasper White Summer Shack restaurants.

To honor her, a UMass Boston trustee created a scholarship fund in her name. In addition, Medford announced a \$1 million plan to build a peace garden in her name that will honor the four men and women killed.



MIT Police Officer Sean Collier.

APR11 Collier District Attorney's Office File

Name: Sean Collier

Who is he? Massachusetts Institute of Technology police officer killed on the night of April 18, allegedly by the Tsarnaev brothers. Collier, 26, was a promising young officer who was widely praised as a trustworthy, reliable presence at MIT. He was set to join the Somerville Police force before that fatal night.

Dzhokhar Tsarnaev has been charged with murder in Collier's death. Prosecutors believe he used a Ruger P95 pistol, which was recovered after the Watertown shootout, to shoot and kill Collier.

That same firearm is central to the gun charge against Stephen Silva, a friend of Tsarnaev who is accused of possession of a firearm with an obliterated serial number. Silva has pled not guilty to the charge.

MIT memorialized Collier by naming the Main St.-Vassar St. intersection where he was killed in his honor and plan to build a permanent granite memorial there.

THE SURVIVORS



Name: James Costello

Who is he? More than a year after being injured in the Marathon blasts, Costello married Krista D'Agostino, a nurse he met during his rehab.

A photo of Costello immediately after the bombing, with a shredded shirt and tattered pants exposing his legs, was one of the most compelling images of the tragedy. Costello suffered significant burns and shrapnel injuries, and spent time at Spaulding Rehabilitation Hospital to recover.

There, he met D'Agostino, his nurse, and the pair fell in love. "I now realized why I was involved in the tragedy," Costello wrote on Facebook. "It was to meet my best friend, and the love of my life." The two were married in August.



Rebekah Gregory-DiMartino.

Wendy Hertz, The Boston Globe

Name: Rebekah Gregory-DiMartino

Who is she? A bombing survivor who decided to amputate her leg after numerous surgeries. DiMartino, her seven-year-old son, and her then-boyfriend (now-husband) were all injured in the blasts.

Since then, DiMartino had 17 surgeries on her injured, painful left leg in an attempt to get it back to regular functioning and strength. In November, she decided to amputate the leg, and wrote a tongue-in-cheek break up letter in a Facebook post.

"Even though my leg is being chopped off and I won't be able to walk for a while, it's still a step forward to me," she said.



Jeff Bauman (seated).

Name: Jeff Bauman

Who is he? Bauman lost both of his legs during the bombings, and the image of him being wheeled away from the blast site at right became a defining photo of the destruction and heroism of the Boston Marathon.

Bauman was at the Marathon's finish line to support his girlfriend Erin Hurley, who was running Boston for the first time. After the blasts, Bauman was quickly lifted onto a wheelchair and hustled over to an ambulance by Carlos Arredondo, the man in the cowboy hat. Arredondo's decision to apply a tourniquet to Bauman's legs helped save his life.

Just before the blasts, Bauman had noticed a "weird" person in a hat, sunglasses, and a backpack in the crowd. Convinced that the blasts had something to do with this man, he told investigators key details that he remembered about the suspect, later identified as Tamerlan Tsarnaev.

Bauman wrote a book about his experience and recovery, "Stronger," which came out in April 2014.

He and Hurley had a daughter in July, and the two were married in November.

THE DEFENSE



Judy Clarke

Name: Judy Clarke

Who is she? Dzhokhar Tsarnaev's defense lawyer. Clarke is one of the foremost experts at defending death penalty cases. She has represented a who's who of America's most notorious suspects in capital cases: the Unabomber Ted Kaczynski; Jared Loughner, the Arizona man who shot Rep. Gabrielle Giffords; and 9/11 conspirator Zacarias Moussaoui. All faced the death penalty, and with Clarke's defense, all were sentenced to life in prison.



Miriam Conrad (left) alongside Dzhokhar Tsarnaev.

AP/Jane Fleveli Collins

Name: Miriam Conrad

Who is she? Dzhokhar Tsarnaev's chief public defense lawyer. Conrad has led the Federal Public Defender Office in Massachusetts, New Hampshire, and Rhode Island since 2005 and is "one of the nation's most respected public defenders," the Wall Street Journal writes. She previously defended the shoe bomber Richard Reid and Rezwan Ferdaus, a US citizen sentenced to 17 years for planning to blow up the Pentagon with remote-controlled planes.

Name: William Fick

Who is he? A federal public defender for Dzhokhar Tsarnaev. Fick, a graduate of Yale Law School, is fluent in Russian. That language advantage could aid him in conversing with Tsarnaev and his friends and family, many of whom come from Russia. Fick was present at Tsarnaev's hospital bedside when he was first read the charges against him a week after the bombing.

Name: Timothy Watkins

Who is he?: A federal public defender for Tsarnaev. The fourth member of Tsarnaev's defense team, Watkins is a board member for Massachusetts Citizens Against the Death Penalty.

THE PROSECUTORS



Name: Carmen Ortiz

Who is she? Federal prosecutor and US Attorney. Ortiz is intimately familiar with the marathon bombing cases, as she also prosecuted Dzhokhar Tsarnaev's friends Robel Phillipos, Dias Kadyrbayev, and Azamat Tazhayakov.

Ortiz was a political star shortly after she became the first woman and first Hispanic US attorney for Massachusetts in 2009. That shine has faded a bit amid recent criticisms of over-aggressiveness, most prominently for her prosecution of Internet prodigy Aaron Swartz for his illegally downloading of MIT academic journals. Swartz subsequently committed suicide in January 2013.



Name: Alok Chakravarty

Who is he? Federal prosecutor and assistant US Attorney. Chakravarty has prosecuted a number of cases involving Islamist radicals, including that of Tarek Mehanna, who was sentenced to 17-and-a-half years in prison for conspiring to provide material support to terrorists.

At the same time, Chakravarty has led the Justice Department's efforts to maintain open dialogue with American Muslims concerned about heavy-handed investigator tactics and profiling. He and William Weinreb have worked together in the past.

Name: William D. Weinreb

Who is he? Federal prosecutor and assistant US Attorney. Along with Alok Chakravarty, Weinreb has prosecuted alleged terrorists as part of Carmen Ortiz's office. Weinreb and Chakravarty prosecuted Faisal Shahzad for the attempted Times Square car bombing, and both were awarded the Distinguished Service Award for their quick response to that case.

THE JUDGES



Judge George O'Toole (center).

The Boston Globe/Photo.com

Name: George A. O'Toole Jr.

Who is he? US District Court Judge who will preside over the trial. He has refused to relocate the trial to outside of Boston despite pleas from the defense that Dzhokhar Tsarnaev cannot get a fair trial in the area.

The Harvard Law grad was nominated to the US District Court by President Clinton in 1995.



Judge Marianne Bowler (right).

AP/Dana Furliff Collins

Name: Marianne Bowler

Who is she? US Federal Magistrate Judge. Bowler presided over the early parts of the trial before Dzhokhar Tsarnaev was indicted by a Grand Jury, and she is no longer involved.

But she may come up because of her actions three days after Tsarnaev was captured by authorities. Under a public safety exemption, FBI investigators had been questioning Tsarnaev without reading him his Miranda right to remain silent. On April 22, Bowler read Tsarnaev his Miranda Rights at his hospital bedside, after which he stopped speaking to FBI investigators.

That decision made Bowler an enemy of a number of Republican lawmakers. "That cost us dearly in terms of valuable intelligence," Texas Rep. Mike McCaul said. "The FBI was cut short in their interrogation when the magistrate judge decided to Mirandize him."

The validity of the comments Tsarnaev made to FBI investigators pre-Miranda may be a topic of debate during the trial.

Tsarnaev makes first appearance before potential jurors in fed court



Photo: AP



In this courtroom sketch, Boston Marathon bombing suspect Dzhokhar Tsarnaev, second from right, is depicted with his lawyers, left, beside U.S. District Judge George O'Toole Jr., right, as O'Toole addresses a pool of potential jurors in a jury assembly room at the federal courthouse, Monday, Jan. 5, 2015, in Boston. Tsarnaev is charged with the April 2013 attack that killed three people and injured more than 260. His trial is scheduled to begin on Jan. 26. He could face the death penalty if convicted. (AP Photo/Jane Flavell Collins)

Monday, January 5, 2015

Print Email 66 Comments

By Laurel J. Sweet, Bob McGovern

Bombing suspect Dzhokhar Tsarnaev stood before prospective jurors in federal court for the first time this morning, as they gathered to undergo questioning to determine whether they may be seated in the Boston Marathon massacre trial.

"Mr. Tsarnaev is charged in connection with events that occurred near the finish line of the Boston Marathon on April 15, 2013, and that resulted in the deaths of three people," federal Judge George O'Toole Jr. told the potential jurors after the suspect exited the U.S. District Court room. "Mr. Tsarnaev is also charged with the death of an MIT police officer and other crimes that occurred on April 18 and 19, 2013."

Tsarnaev, 21, appeared briefly in court and stood to be introduced to the jury, head held high and hands folded in front of him. He has pleaded not guilty to 30 charges connected to the April 2013 explosions that killed three people and wounded more than 260 others.

The first wave of as many as 1,200 potential jurors who will be vetted for the trial arrived at court today to fill out jury questionnaires that will determine whether they are brought back and considered for the panel. To be seated, the jurors must be open to imposing the death penalty, according to instructions by federal Judge George O'Toole Jr. He, prosecutors and the defense will begin scouring the jury questionnaires later this week.

O'Toole told the potential jurors that the burden to prove Tsarnaev's guilt is squarely on the prosecution, and "every defendant is presumed to be not guilty until the government has proved otherwise."

O'Toole added that "this case differs" from standard criminal cases "in a significant way" referring to the potential death penalty stage of the proceedings, should Tsarnaev be found guilty.

"Usually, after a jury has convicted a defendant of a crime, the presiding judge decides what the punishment is," he said. "In this case, however, Mr. Tsarnaev is accused of crimes that are potentially punishable by a sentence of death. If, after trial, he is convicted of any of these crimes, under the law it is the responsibility of the jury — rather than the judge — to decide whether Mr. Tsarnaev should be sentenced to death, or instead, life imprisonment without possibility of release."

O'Toole said the responsibility to sentence someone to death lies "not with the judge, or the press, or public opinion" — it is squarely on the jurors to decide.

He said jurors must solve the issues presented with "a firm disposition and commitment to do justice." O'Toole cautioned jurors to ignore media reports and take an unbiased view of the case.

"You need to base your decision based on what you hear in court during the trial," he said. "It will not be based on any bias or prejudice or anything you have seen, heard, read or experienced outside the courtroom — including anything you think you may have learned from reports in the media."

However, "the mere fact that you may have heard something about this case" does not preclude someone from being a juror.

Potential jurors were hit with a stark warning not to speak to anyone about the case or jury questionnaire — family, the press or even court officers — or else face contempt of court charges.

Groups of jurors today, tomorrow and Wednesday will be greeted by the trial teams and hear brief introductory remarks before receiving the questionnaires that remain sealed from public view, but are expected to flush out any biases or established beliefs as to Tsarnaev's guilt or innocence.

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O'Toole urged the contending panelists to take their time filling them out and to answer "thoughtfully, honestly and completely."

During the coming week, the questionnaires will be reviewed by attorneys and O'Toole. Potential jurors were instructed to call a number next week, which will dictate their future role in the case. There will be one of three messages: A juror will either be excused, asked to come to court again, or asked to call in again at a later date.

The potential jurors arrived at court early this morning to begin the arduous security screening outside the federal court in South Boston. Shivering, toting shopping bags and glancing warily at throngs of news cameras, they lined up in the cold under the watchful eyes of law enforcement agents and the Boston Police Department bomb squad and the steady throb of helicopters circling overhead.

They were herded through two lines of metal detectors after the mandatory surrender of all electronic devices.

O'Toole said he anticipates the chosen jury to begin hearing evidence Jan. 26, and believes the trial will take "about three or four months."

Tsarnaev's lawyers have repeatedly requested a delay in the trial and a change of venue, saying it will be impossible to find an unbiased jury in Greater Boston and noting the broad impact of the bombings in the state.

This morning, bombing survivor Karen Brassard was among those watching the proceeding and listening to O'Toole's welcoming remarks.

Developing ...

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Jury selection began Monday in the Boston Marathon bombings trial. WBZ-TV's Nicole Jacobs reports.

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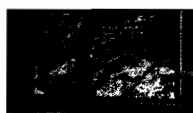
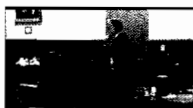
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The 30 Charges Dzhokhar Tsarnaev Faces

By [WBUR Newsroom](#) January 5, 2015

BOSTON — As the trial of accused Boston Marathon bomber Dzhokhar Tsarnaev begins, here's a full list of the charges he faces, [from the federal indictment](#). Seventeen of these charges carry the possibility of the death penalty. ([See here for our full trial coverage.](#))

COUNT 1

Conspiracy to use a weapon of mass destruction resulting in death

COUNT 2

Use of a weapon of mass destruction resulting in death; aiding and abetting

COUNT 3

Possession and use of a firearm during and in relation to a crime of violence resulting in death; aiding and abetting

COUNT 4

Use of a weapon of mass destruction resulting in death; aiding and abetting

COUNT 5

Possession and use of a firearm during and in relation to a crime of violence resulting in death; aiding and abetting

COUNT 6

Conspiracy to bomb a place of public use resulting in death

COUNT 7

Bombing of a place of public use resulting in death; aiding and abetting

COUNT 8

Possession and use of a firearm during and in relation to a crime of violence resulting in death; aiding and abetting

COUNT 9

Bombing of a place of public use resulting in death; aiding and abetting

COUNT 10

Possession and use of a firearm during and in relation to a crime of violence resulting in death; aiding and abetting

COUNT 11

Conspiracy to maliciously destroy property resulting in personal injury and death

COUNT 12

Malicious destruction of property resulting in personal injury and death; aiding and abetting

COUNT 13

Possession and use of a firearm during and in relation to a crime of violence resulting in death; aiding and abetting

COUNT 14

Malicious destruction of property resulting in personal injury and death; aiding and abetting

COUNT 15

Possession and use of a firearm during and in relation to a crime of violence resulting in death; aiding and abetting

COUNT 16

Possession and use of a firearm during and in relation to a crime of violence resulting in death; aiding and abetting

COUNT 17

Possession and use of a firearm during and in relation to a crime of violence resulting in death; aiding and abetting

COUNT 18

Possession and use of a firearm during and in relation to a crime of violence□ resulting in death; aiding and abetting

COUNT 19

Carjacking resulting in serious bodily injury; aiding and abetting

COUNT 20

Possession and use of a firearm during and in relation to a crime of violence; aiding and abetting

COUNT 21

Interference with commerce by threats and violence; aiding and abetting

COUNT 22

Possession and use of a firearm during and in relation to a crime of violence; aiding and abetting

COUNT 23

Use of a weapon of mass destruction; aiding and abetting

COUNT 24

Possession and use of a firearm during and in relation to a crime of violence; aiding and abetting

COUNT 25

Use of a weapon of mass destruction; aiding and abetting

COUNT 26

Possession and use of a firearm during and in relation to a crime of violence; aiding and abetting

COUNT 27

Use of a weapon of mass destruction; aiding and abetting

COUNT 28

Possession and use of a firearm during and in relation to a crime of violence; aiding and abetting

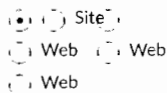
COUNT 29

Use of a weapon of mass destruction; aiding and abetting

COUNT 30

Possession and use of a firearm during and in relation to a crime of violence; aiding and abetting

— And here's the federal indictment against Tsarnaev.



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By
Catherine
E. Shoichet
CNN

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(CNN) — (CNN) — He's accused of plotting with his brother and carrying out an attack near the finish line of the Boston Marathon that killed three people, wounded more than 260 and spurred a massive manhunt that terrorized the city for days.

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And now, nearly 19 months after the bombings, Dzhokhar Tsarnaev's trial is starting.

Here are 13 things to keep in mind as the proceedings get under way this week at the federal courthouse in Boston:

1. It's going to take time to pick a jury. Lawyers have more than 1,000 people to choose from.

About 1,200 potential jurors have been summoned, CNN affiliate WCVB reported. The prosecution and defense will have to pare down that pool to 12 jurors and six alternates. Prosecutors have said the trial could last up to four months.

2. We already have some clues about the arguments on both sides.

Court documents filed so far by the defense and prosecution paint a pretty clear picture of where things are heading -- though their portrayals of Tsarnaev, 21, are dramatically different.

Prosecutors cast him as a deliberate killer inspired by jihadist literature.

The defense has tried to pin the blame on Tamerlan Tsarnaev, describing Dzhokhar as a youngster manipulated by his older brother, who "was an all-powerful force who could not be ignored or disobeyed."

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Tamerlan Tsarnaev, 26, was killed in a confrontation with police days after the bombing. Police surrounded Dzhokhar Tsarnaev two days later as he hid inside a boat in a backyard in Watertown, Massachusetts. He surrendered with rifle lasers tagging his head.



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3. Tsarnaev faces 30 federal charges.

He has pleaded not guilty to all of them, including using and conspiring to use a weapon of mass destruction resulting in death.

In addition to accusations tied to the two pressure cooker bombs that blew up at the marathon, the indictment against Tsarnaev also alleges that he and his brother killed a Massachusetts Institute of Technology police officer by shooting him in the head at close range.

4. It's a capital case, even though Massachusetts abolished the death penalty.

Massachusetts got rid of the death penalty three decades ago, but this is not a state case. Federal prosecutors can seek the death penalty against Tsarnaev because of the nature of the crimes he's accused of committing.

Federal prosecutors say he acted in "an especially heinous, cruel and depraved manner" and lacks remorse.

5. This isn't the prosecutor's first time tackling a prominent case.

In 2011, The Boston Globe named U.S. Attorney Carmen Ortiz "Bostonian of the Year" for prosecuting corrupt politicians, winning a terrorism case against an al Qaeda supporter and pushing the prosecution of notorious mob boss James "Whitey" Bulger.

When Bulger was sentenced in 2013 to two life terms plus five years in prison, Ortiz didn't mince words, describing him as a terrorist driven by "his desire for power. for greed and ambition."

6. Tsarnaev's lawyer is known for representing high-profile clients in death penalty cases.

Her name is Judy Clarke, and you've seen her before. The federal public defender represented "Unabomber" Ted Kaczynski and Jared Lee Loughner, the gunman who seriously wounded former U.S. Rep. Gabrielle Giffords and killed six people at a meet-and-greet for the congresswoman.

An ardent opponent of the death penalty, she has kept some of the nation's most despised criminals -- baby killers, bombers, white supremacists and terrorists -- off death row.

7. Prosecutors and defense attorneys talked about a possible plea deal for Tsarnaev, but it didn't work out.

Several of Clarke's most notorious clients have pleaded guilty and avoided the death penalty. Kaczynski and Loughner both faced capital charges but are now serving life sentences in prison.

In Tsarnaev's case, discussions in recent months have centered on the possibility of him pleading guilty and receiving a life sentence without parole. The talks have reached an impasse because the Justice Department has resisted removing the death penalty as a possibility, officials told CNN.

8. Some people in Boston want to see a deal like that for Tsarnaev.

In an opinion column published in the Boston Globe earlier this month, a retired federal judge, a former prosecutor and another lawyer argue that a trial and the media frenzy surrounding it will needlessly force victims to relive the horrors of the bombing.

"Let's write a last chapter that guarantees just punishment for Tsarnaev while putting the victims and the community at the center of the legal system's concerns," Nancy Gertner, Michael B. Keating and Martin F. Murphy wrote.

9. Others want him to get the death penalty.

When federal prosecutors announced last year that U.S. Attorney General Eric Holder had decided to seek the death penalty against Tsarnaev, a number of victims and their family members said it was a step in the right direction.

Marc Fucarile, who lost a leg in the bombing, told WCVB he has no doubt about where he stands.

"I prefer the death penalty, because I prefer that people know that if you terrorize our country, you're going to be put to death," he said last year. "And I strongly believe that's how it should be."

10. Tsarnaev's lawyer tried to get the case moved out of Boston.

The judge said no. So did a federal appeals court.

Clarke argued that Tsarnaev couldn't get a fair trial there. Federal prosecutors argued that changing the location of the trial would deny victims a chance to see justice carried out.

Experts are split on how the location could influence whether Tsarnaev is sentenced to death. On the one hand, Boston is a liberal city where opposition to the death penalty is widespread, CNN Senior Legal Analyst Jeffrey Toobin said. On the other hand, because it's a federal case, the jury will be drawn from a broader pool that could include more conservative suburban or rural residents who are more inclined to support executions, New York lawyer Ronald Tabak, a leading expert on capital cases, told CNN last year.

In a 2013 Boston Globe poll, 57% of Boston respondents supported a life sentence for Tsarnaev. Thirty-three percent favored the death penalty.

11. It's unknown whether Tsarnaev will testify.

At a hearing last month, he appeared in court, telling a judge that he was satisfied with his defense lawyers.

12. Bombing survivors might.

They told The Boston Globe that they're prepared to take the stand.

13. Even if Tsarnaev is found guilty, that's not the end of the trial.

Since Tsarnaev's trial is a capital case, there will be a separate court proceeding on whether he should get the death penalty if the federal jury finds him guilty. That phase, Toobin says, would be like a "small, separate mini trial."

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Tsarnaev Trial Jury Selection Begins

By [Zeninjon Enwemeka](#) January 5, 2015 Updated January 5, 6:20 pm

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BOSTON — The long-awaited trial of Boston Marathon bombing suspect Dzhokhar Tsarnaev began Monday with Judge George O'Toole addressing about 400 to 500 potential jurors in two separate sessions.

"We need your help and we need your honest performance of this important duty of citizenship," O'Toole told the potential jurors in Boston federal court.

O'Toole, instructing the first group of 200 to 250 potential jurors just after 9:15 a.m., told them "do not read, watch or listen to anything about the case." O'Toole also told the potential jurors not to discuss the case with anyone, including the media.

The judge also asked the potential jurors to disregard what they may have already heard about the case and focus solely on the evidence presented in court.

“There has been a great deal of publicity about this case and there will continue to be,” O’Toole said. “The mere fact that you may have heard something about this case does not mean that you cannot be a juror.”

O’Toole made mention of social media and “Googling” in instructing the potential jurors not to use the Internet to research anything about the case or the people involved in the case. He told the potential jurors that if they happened to come across media coverage of the trial they should “please just turn the page, change the channel, or close the screen.”

The judge repeated the same remarks to a second group of 200 to 250 potential jurors just after 1 p.m.

Attorneys for both sides were present during both sessions along with Tsarnaev, who was introduced and asked to stand during each proceeding. Tsarnaev appeared to be wearing a dark, long-sleeved shirt and khaki pants, his hair long and big.

After listening to the judge’s remarks, the potential jurors were given a questionnaire to fill out. Potential jurors will find out next week whether they will go through the next phase of jury selection, where they will be questioned by attorneys on both sides and Judge O’Toole.



In this courtroom sketch, Boston Marathon bombing suspect Dzhokhar Tsarnaev, second from right, is depicted with his lawyers, left, beside U.S. District Judge George O’Toole Jr., right, as O’Toole addresses a pool of potential jurors Monday. (Jane Flavell Collins/AP)



A Department of Homeland Security officer stands outside the Moakley Courthouse in Boston, on the first day of the Tsarnaev trial. (Robin Lubbock/WBUR)

More than 1,200 potential jurors are expected to be called in the case. There will be four more sessions of 200 to 250 potential jurors held through Wednesday — two each day.

Judge O'Toole told the prospective jurors that he expects the trial to start on Jan. 26 and last three to four months.

Tsarnaev faces 30 federal charges and the possibility of the death penalty. If convicted, the jury in this case will then decide whether or not Tsarnaev should be sentenced to death.

Tsarnaev and his brother, Tamerlan, are suspected of carrying out the bombings at the finish line of the 2013 Boston Marathon which killed three and wounded more than 260 others. They are also accused of killing MIT officer Sean Collier. Tamerlan died days after the bombing in a confrontation with police in Watertown.



Media take positions outside the federal courthouse in Boston Monday for the first day of jury selection in the trial of Boston Marathon bombing suspect Dzhokhar Tsarnaev. (Michael Dwyer/AP)

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Who's Who In The Dzhokhar Tsarnaev Trial

By [Zeninior Enwemeka](#) January 5, 2015 Updated January 5, 10:30 am

BOSTON — More than 18 months after two bombs went off at the 2013 Boston Marathon finish line, killing three people and injuring more than 260 others, the trial of Dzhokhar Tsarnaev is set to begin Jan. 5, 2015, in U.S. District Court in Boston. Below is a look at the defendant, various people connected to the bombing suspect and those who will take part in his trial.

- **Complete Coverage: Dzhokhar Tsarnaev Trial**



Dzhokhar Tsarnaev

Defendant

- **Who is he?** Dzhokhar Tsarnaev was a 19-year-old UMass Dartmouth student at the time of the bombings. He grew up in Cambridge and attended Cambridge Rindge and Latin High School where he wrestled and played soccer. His family moved to the U.S. from Russia in 2002 and he became a citizen in 2012.

The now 21-year-old is accused of carrying out the bombings, along with his older brother Tamerlan. They are also accused of killing MIT police officer Sean Collier days after, before a confrontation with police in Watertown left Tamerlan dead.

- **Charges?** Dzhokhar faces 30 federal charges, including using a weapon of mass destruction,

and faces the possibility of the death penalty.

- **What is his legal status?** His trial is set to start Jan. 5.

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Dias Kadyrbayev

College friend

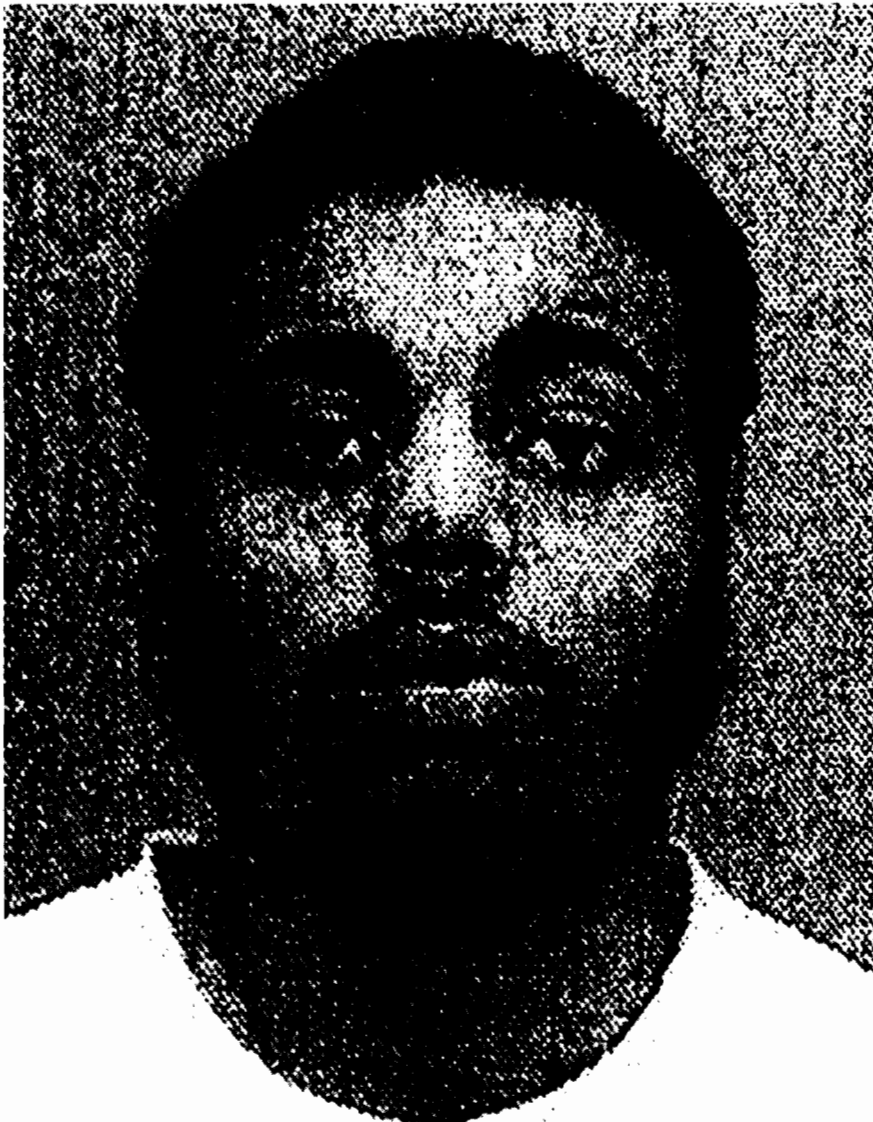
- **Who is he?** Kadyrbayev, 20, is a native of Kazakhstan who came to the U.S. in 2011 on a student visa. He attended UMass Dartmouth with Tsarnaev and was a roommate of Azamat Tazhayakov.
- **Charges?** He was charged with obstruction of justice and conspiracy for removing from Tsarnaev's dorm room a laptop and a backpack containing fireworks that had been emptied.
- **What is his legal status?** Kadyrbayev pleaded guilty under a plea deal on Aug. 21, 2014. Federal prosecutors said they wouldn't seek more than seven years in prison under the plea agreement. Kadyrbayev also agreed not to fight deportation after his prison sentence. He was scheduled to be sentenced on Nov. 18, 2014, but his sentencing has been delayed.



Robel Phillipos

College friend

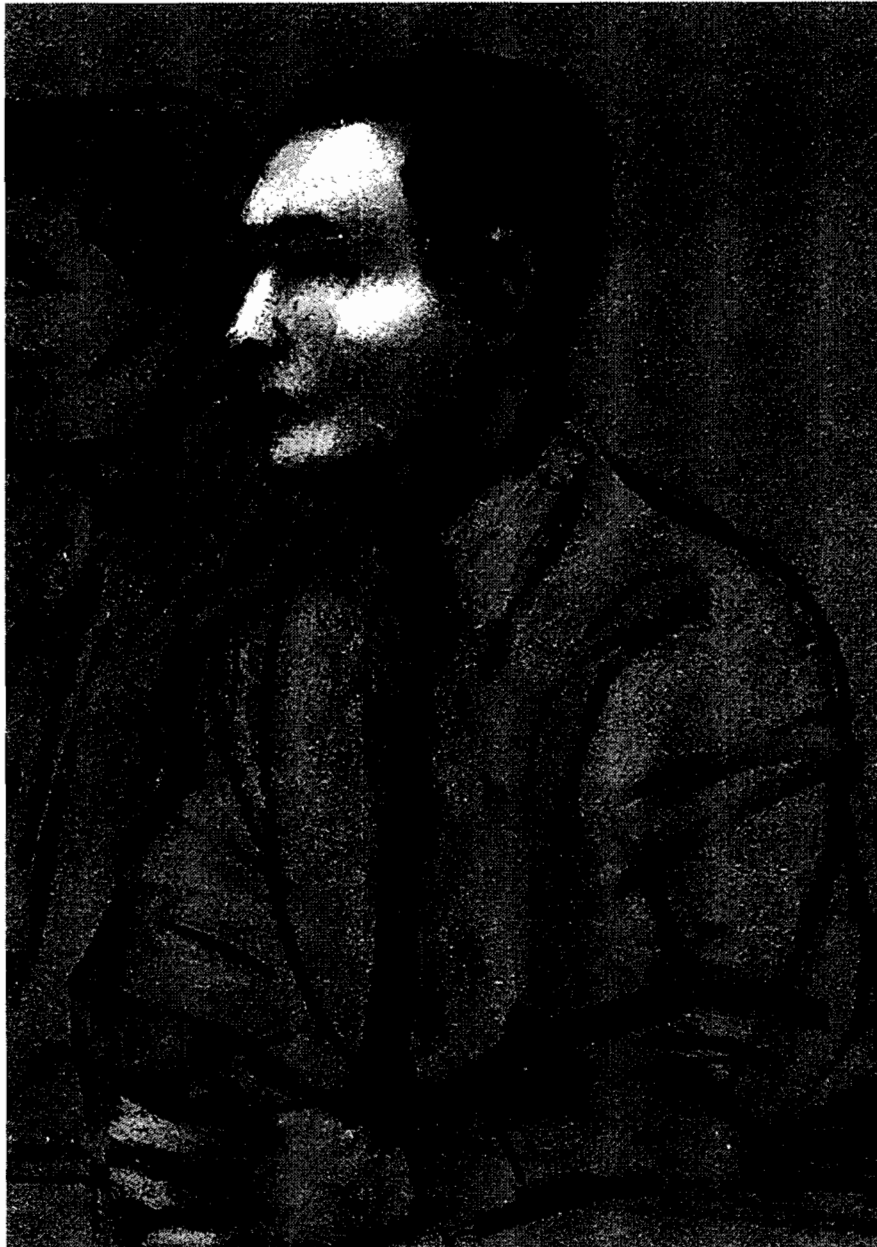
- **Who is he?** Phillipos, 21, from Cambridge, attended Cambridge Rindge and Latin High School and UMass Dartmouth (though he dropped out) with Dzhokhar Tsarnaev.
- **Charges?** Phillipos was charged with two counts of lying during a terrorism investigation. He was accused of lying to the FBI during two separate interviews about being in Tsarnaev's dorm room while two other friends removed a backpack containing fireworks and potential evidence three days after the bombing. Defense attorneys argued that Phillipos was too high on marijuana to remember what he did that night and was coerced by FBI agents.
- **What is his legal status?** He was convicted of both counts on Oct. 28, 2014. He is set to be sentenced on Jan. 29 and faces up to 16 years (a maximum of eight years on each count) in prison.



Stephen Silva

Friend

- **Who is he?** Silva, 21, attended Cambridge Rindge and Latin High School with Dzhokhar Tsarnaev.
- **Charges?** Authorities suspect Silva of providing Dzhokhar and Tamerlan with the gun used to kill an MIT police officer. Silva has been charged with possession of a gun with the serial number removed and heroin trafficking.
- **What is his legal status?** After initially pleading not guilty, Silva pleaded guilty on Dec. 19, 2014 to gun possession and drug charges. He faced a mandatory minimum sentence of up to 40 years on the heroin charge, up to five years for the gun charge and a maximum of 20 years for six other drug charges.



Azamat Tazhayakov

College friend

- **Who is he?** Tazhayakov, 20, is a native of Kazakhstan who came to the U.S. on a student visa. He attended UMass Dartmouth with Dzhokhar Tsarnaev.
- **Charges?** Tazhayakov was accused of taking a backpack containing fireworks from Tsarnaev's room, and charged with obstruction of justice and conspiracy. The defense claimed it was another friend of Tsarnaev that removed the backpack.
- **What is his legal status?** Tazhayakov was convicted of interfering with the FBI's bombing investigation on July 21, 2014 -- the first person convicted. He faces a maximum of 25 years in prison and was set to be sentenced in mid-October, but his sentencing has been delayed.
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Ibragim Todashev

Friend of Tamerlan

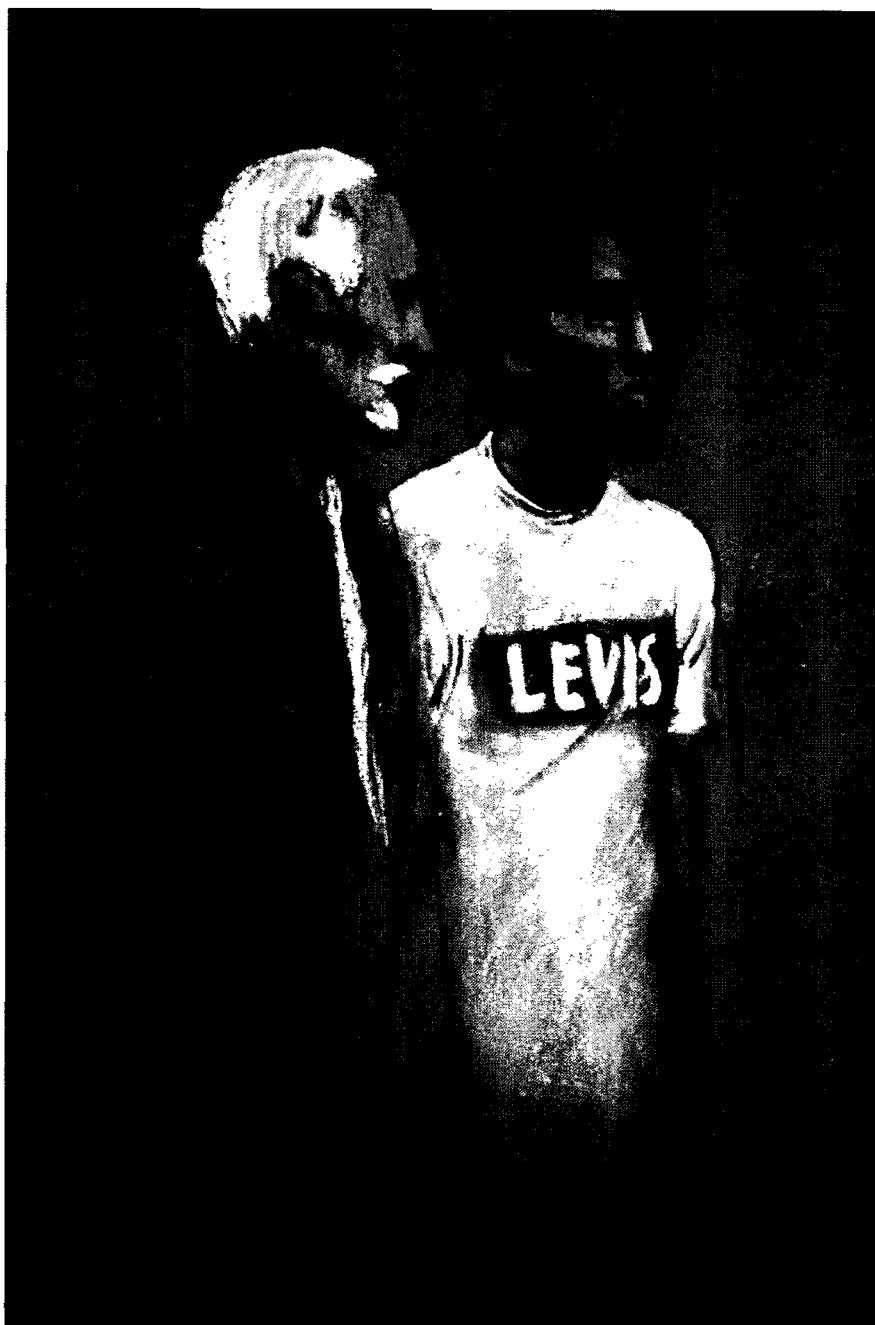
- **Who is he?** Todashev was a mixed martial arts fighter who lived in Boston before moving to Atlanta in 2010 and then to Florida in late 2011. He was a former gym partner of Tamerlan Tsarnaev and a fellow Chechen.
- **What is his connection to the case?** After the bombings, the 27-year-old was contacted by the FBI. On May 21, 2013, Todashev was being interviewed by an FBI agent from Boston and two Massachusetts state troopers at his condo in Orlando. Prosecutors have said Todashev implicated Tamerlan in an unsolved 2011 Waltham triple homicide. In the course of an hours-long interrogation, Todashev was shot and killed by the FBI agent. The circumstances of Todashev's death have been called into question; the FBI said he initiated a "violent confrontation."

In March 2014, the U.S. Department of Justice and a Florida state attorney issued separate reports clearing the FBI agent of wrongdoing. Those investigations triggered further questions and the ACLU has called for an probe of the Florida investigation.

- **Related Links:**

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Khairullozhon Matanov

Friend of Tamerlan

- **Who is he?** Matanov, 23, is a Quincy resident who worked as a cab driver in Massachusetts. He is a native of Kyrgyzstan and came to the U.S. legally in 2010. Prosecutors say he had dinner with the Tsarnaev brothers on the night of the bombing and spoke to both of them in the hours and days after the bombing.
- **Charges?** Matanov was accused of lying to federal investigators about his friendship with the Tsarnaevs and destroying evidence related to the bombing investigation. He was charged with one count of destroying evidence and three counts of making false statements.
- **What is his legal status?** Matanov is expected to plead guilty to the charges after his lawyer filed a joint motion with federal prosecutors asking the court to schedule a plea hearing. Matanov initially pleaded not guilty and faced up to 20 years in prison for the destruction of

evidence charge and eight years in prison for each false statement count.

- **Related Links:**

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- [Charges Against Matanov Questioned](#)



Katherine Russell

Tamerlan's widow

- **Who is she?** Russell, 25, grew up in North Kingstown, Rhode Island, with two younger sisters. She attended Suffolk University, but dropped out in 2010. While she was a student, she met Tamerlan Tsarnaev at a nightclub and the couple married on June 21, 2010. They have a daughter.

- **Charges?** She has not been charged in connection with the bombings. She has kept out of the public eye, but did meet with authorities early on in the investigation. Later, Russell faced several motor vehicle charges, including speeding and driving with a suspended license.
- **What is her legal status?** Most of her driving charges were dismissed, but she was fined \$150 for speeding in Jan. 2014.
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Tamerlan Tsarnaev

Brother, Accused Bomber


- **Who is he?** Tamerlan Tsarnaev lived in Cambridge along with his wife and their young daughter. He was a legal U.S. resident who briefly attended Bunker Hill Community College and once hoped to be an Olympic boxer. The Tsarnaev family, who are ethnic Chechens from Russia, came to the U.S. in 2002.

Tamerlan and Dzhokar are accused of the bombings and killing MIT officer Sean Collier days later. Tamerlan died on April 18 during a confrontation with police in Watertown. He was 26.

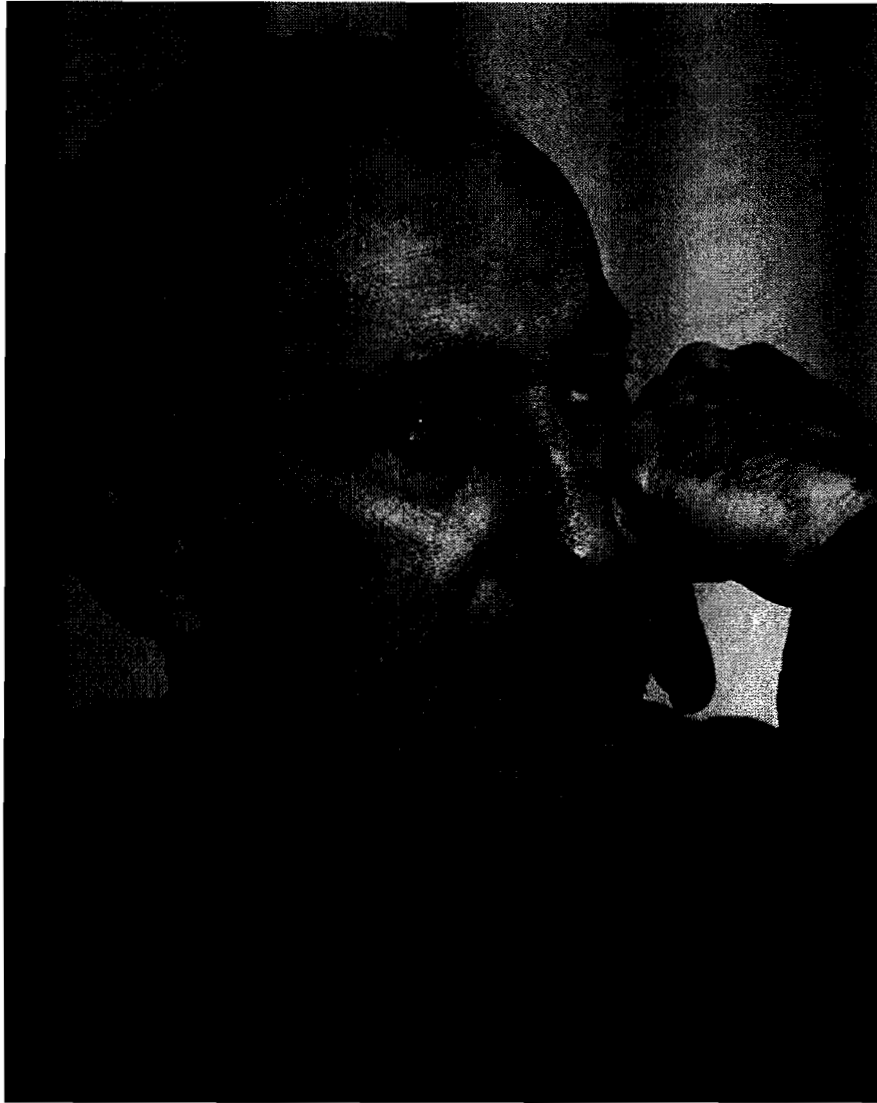
- **What else is known about him?** Tamerlan was also suspected of taking part in a 2011 triple homicide in Waltham. Dzhokhar's attorneys have tried to obtain evidence of the slayings and also allege that the FBI tried to get Tamerlan to be an informant for them to report on the Chechen and Muslim community. Tamerlan spent about six months in Dagestan, Russia in 2012, a trip in which authorities believe he may have made contact with extremists. Russian authorities contacted the FBI in 2011 over concerns about Tamerlan and his mother, but the FBI said it didn't find anything suspicious in its inquiry. The CIA did put Tamerlan and his mother on a terror watch list in late 2011.

- **Related Links:**

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Anzor Tsarnaev

Father

- **Who is he?** Anzor Tsarnaev, 47, and his wife, Zubeidat, live in the Dagestan region of Russia. They have both said that they do not believe their sons were involved in the bombings and had been set up to take the blame. The couple also has two daughters, Ailina and Bella. The family is originally from Chechnya, but left long ago before moving to Russia.
- **Charges?** No.
- **Related Links:**
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Zubeidat Tsarnaeva

Mother

- **Who is she?** Zubeidat Tsarnaeva lives in Dagestan, Russia, with her husband Anzor. She has said her sons are innocent of the bombings.
- **What is her connection to the case?** In 2011, Russian officials asked U.S. authorities to investigate Zubeidat and Tamerlan over concerns that they were religious militants. The FBI said it didn't find anything suspicious, didn't receive more information from Russia and later closed the case. Russia also contacted the CIA, which put Zubeidat and Tamerlan into a terror database.
- **Charges?** She faces no charges in connection with the bombing, but does face a 2012 shoplifting charge in Massachusetts over the theft of more than \$1,624 worth of clothes from

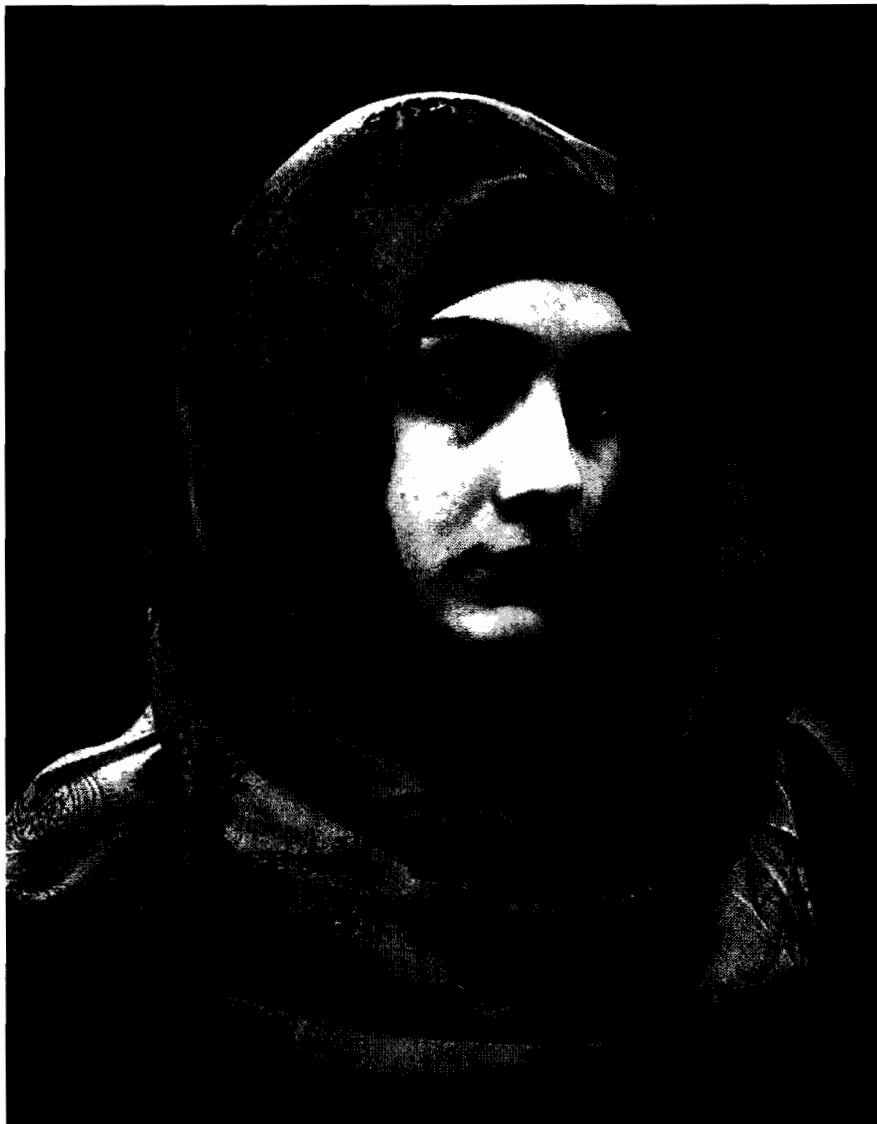
Lord and Taylor in Natick. She failed to appear in court and instead left the country.

- **What else is known about her?** In 2013, a U.S. official said Tamerlan and his mother had “vaguely discussed” jihad in a 2011 phone call, but Zubeidat said it was misinterpreted and they never talked about killing. She also said Tamerlan was not radicalized during his 2012 trip to Dagestan.

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Ailina Tsarnaeva

Sister

- **Who is she?** Ailina Tsarnaeva, 24, lives in North Bergen, New Jersey and is a mother of two. She once lived in Cambridge at an apartment linked to her brothers.

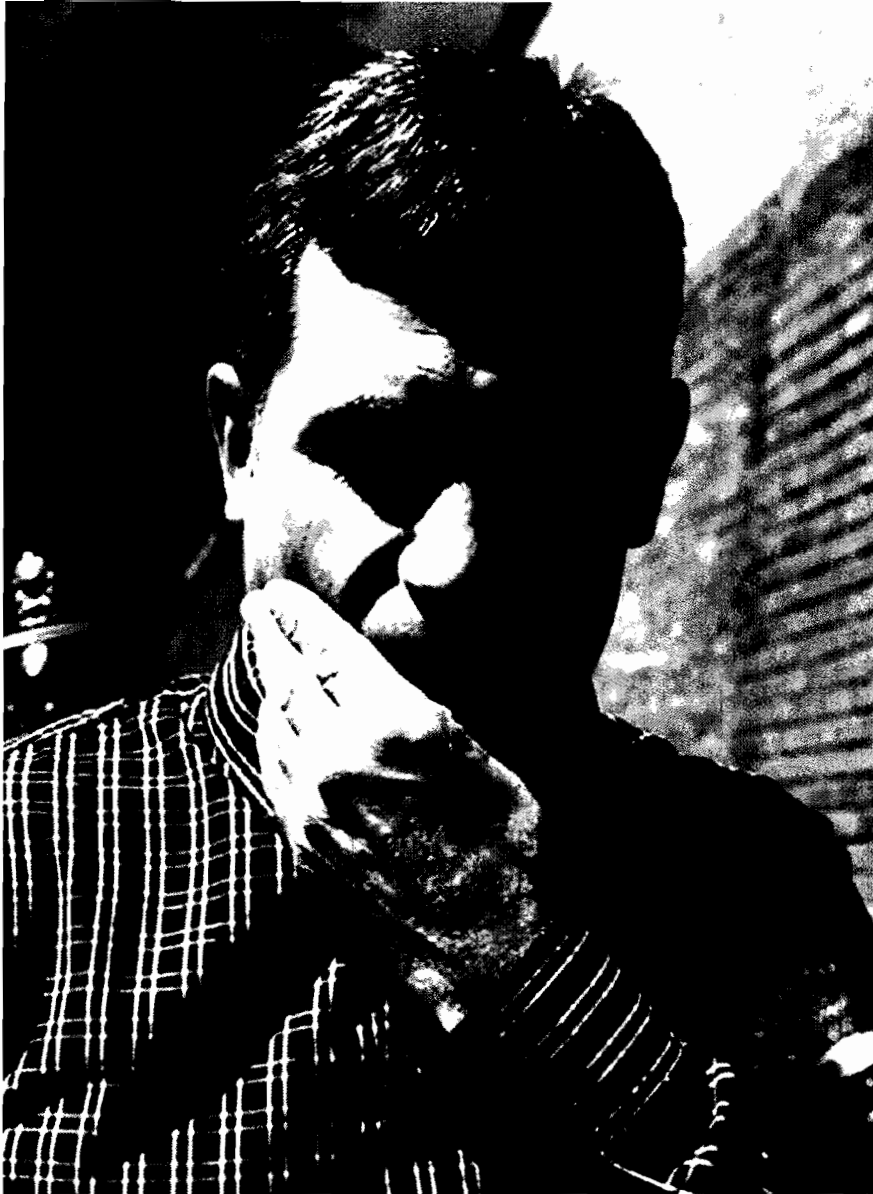
- **Charges?** She faces no charges in connection with the bombings. In August 2014, she was accused of threatening to “put a bomb” on a woman who had a previous romantic relationship with her husband. Tsarnaeva was charged with aggravated harassment in New York. She also has an ongoing case in Massachusetts regarding a 2010 counterfeiting investigation, which requires her to check in with probation officers. She was also arrested in 2009 for leaving the scene of an accident, but that case was dismissed.



Bella Tsarnaeva

Sister

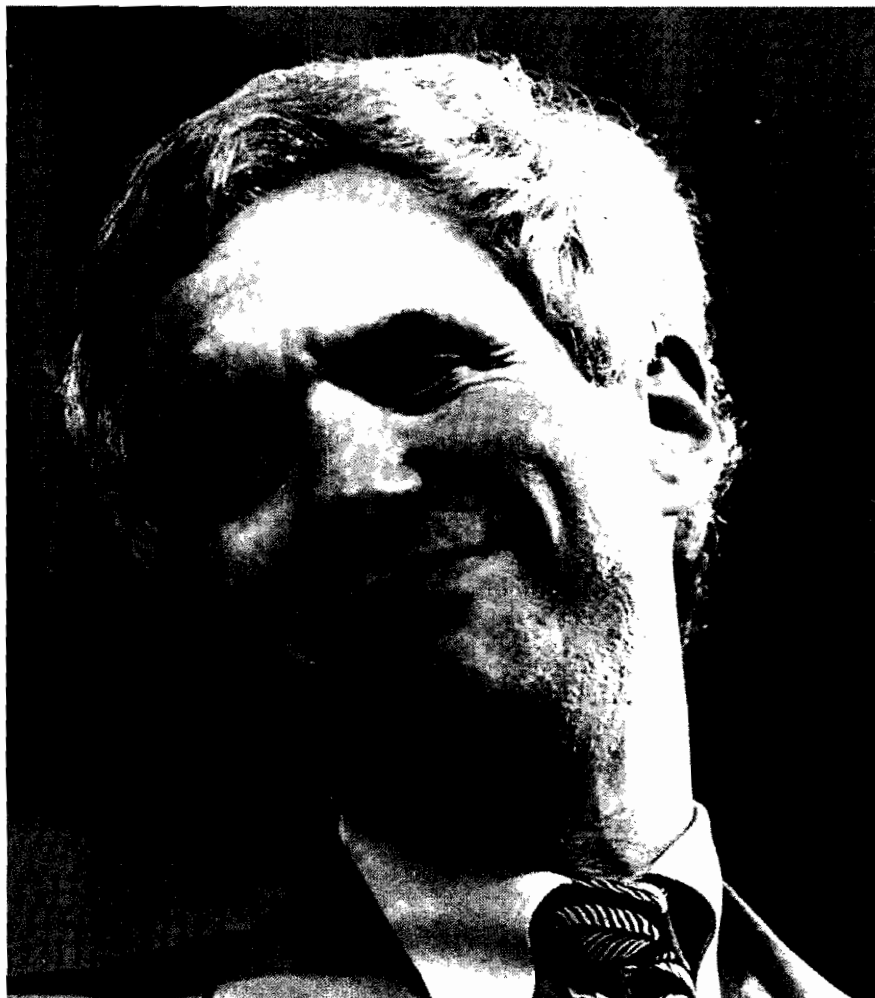
- **Who is she?** Bella Tsarnaeva lives in North Bergen, New Jersey.
- **Charges?** She faces no charges in connection with the bombings. In 2013, she pleaded guilty to possession of marijuana with intent to distribute in New Jersey.



Ruslan Tsarni

Uncle

- **Who is he?** Tsarni lives in Montgomery Village, Maryland. After the bombing, he denounced the acts his nephews were accused of. He also handled the burial arrangements for Tamerlan Tsarnaev, who was eventually buried in Virginia.
- **Charges?** No.
- **Related Links:**
 - [!\[\]\(ce77bba2916ff045bdb9f4584b191293_img.jpg\) WGBH: Two Hours With Ruslan Tsarni](#)



David I. Bruck

Defense attorney

- **Who is he?** Bruck is a death penalty expert and law professor, who has argued before the U.S. Supreme Court on over 70 capital appeals cases. He also runs Washington and Lee University's death penalty defense clinic. His previous clients include Zayd Hassan Abd al-Latif Masud al-Safarini, who was sentenced to life in the hijacking of a Pan Am plane in 1986. He joined the Tsarnaev defense team in February 2014.

Photo not available

Donald L. Cabell

Prosecutor

- **Who is he?** Cabell has been an assistant U.S. attorney in the U.S. Attorney's Office in Boston since 1995. He has served in the major crimes unit, the anti-terrorism unit and national security unit. He is a graduate of UMass Amherst and Northeastern law school. In November 2014, he was selected to be a magistrate judge. When he is appointed he will sit in Boston.



Alope Chakravarty

Prosecutor

- **Who is he?** Chakravarty is an assistant U.S. attorney in Massachusetts with a background in

cases involving national security and human rights. He is also part of a government initiative called “Bridges,” which seeks to build trust between the Muslim community and law enforcement. He has worked as a prosecutor in Middlesex County, the state’s attorney general’s office, the U.S. Department of Justice, the FBI and for the U.N.’s International Criminal Tribunal for the former Yugoslavia. He is a graduate of Johns Hopkins University and Emory law school. His past cases include the trial of Tarek Mehanna, the Sudbury man convicted in 2011 on terrorism charges.

- **Related Links:**

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Judy Clarke

Defense attorney

- **Who is she?** Judy Clarke is a defense attorney known for keeping her clients off death row. Her high-profile clients have included the Unabomber, Ted Kaczynski; Susan Smith, who drowned her two children; Atlanta Olympics bomber Eric Rudolph; and Tucson gunman Jared Loughner. All were given life sentences instead of the death penalty.

- **Related Links:**

[!\[\]\(dfbd6b3763a6d1d9afaa974f64e2e4b5_img.jpg\) Tsarnaev's Defense Team Gets Major Boost With Judy Clarke](#)



Miriam Conrad

Lead defense attorney

- **Who is she?** Conrad is the chief federal public defender for Massachusetts and is leading Tsarnaev's defense team. She has been a federal public defender since 1992 and worked in Boston's federal public defender's office since 2005. She worked for the Kansas City Times (now the Kansas City Star) and as a crime reporter for the Miami Herald before attending Harvard Law School. She previously defended Rezwan Ferdaus, an Ashland, Massachusetts,

man who pled guilty to plotting to attack the U.S. Capitol and Pentagon in 2011.

- **Related Links:**

- 🔗 [For Boston Bombing Suspect, A Seasoned Defense Team](#)

- 🔗 [Detroit Free Press: Meet The Woman Defending Tsarnaev](#)



William Fick

Defense attorney

- **Who is he?** Fick is an assistant attorney in Boston's federal public defender's office. Most recently, he represented John O'Brien, the former head of the state probation department who was convicted in connection with a scheme to rig the department's hiring system to award politically connected applicants.

- **Related Links:**

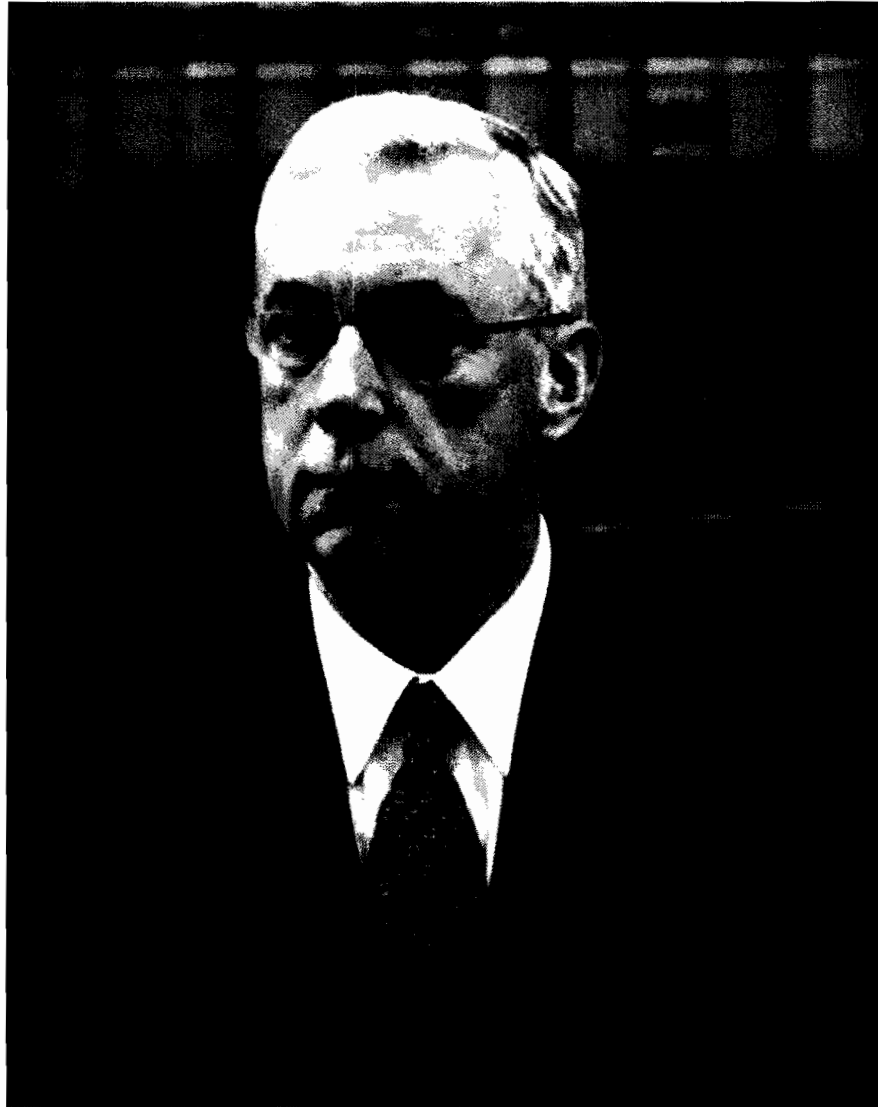
[!\[\]\(919a2cb85b99741a73c0c31a427236a8_img.jpg\) Tsarnaev's Defense Team Gets Major Boost](#)



Steven D. Mellin

Prosecutor

- **Who is he?** Mellin is a prosecutor with the Department of Justice's Criminal Division. He previously worked as an assistant U.S. attorney.



George O'Toole Jr.
Judge

- **Who is he?** O'Toole has been a U.S. District Court judge in Massachusetts since 1995 after being nominated by President Bill Clinton. He was born in Worcester and went to Boston College and Harvard Law School. He served as a state court trial judge from 1982 - 1995 and spent 10 years at Boston firm Hale and Dorr, where he specialized in litigation.

So far in the Tsarnaev case, O'Toole has denied two requests from the defense to move the trial out of state. In December, O'Toole also denied a request from the defense to delay the Tsarnaev trial. O'Toole has said he expects the trial to start on Jan. 26 and last three to four months after jury selection. He will hold court from 9 a.m. - 4 p.m. four days a week, Monday through Thursday.

- **Related Links:**

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🔗 [Judge Denies Tsarnaev Bid To Dimiss Charges](#)

8 Judge Wants To Summon At Least 1,000 Jurors

Photo not available

Nadine Pellegrini

Prosecutor

- **Who is she?** Pellegrini has been an assistant U.S. attorney since 1991. She was appointed the chief of the major crimes unit in 2010 after serving as the deputy chief since 2000. She previously worked at the state's attorney general's office prosecuting tax, public corruption and environmental cases. She graduated from UNC-Chapel Hill and Albany law school and has a master's degree from Tufts.



Timothy G. Watkins

Defense attorney

- **Who is he?** Watkins is an assistant attorney in Boston's federal public defender's office.

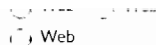


William D. Weinreb

Lead Prosecutor

- **Who is he?** Weinreb is an assistant U.S attorney and the deputy unit chief for the anti-terrorism and national security unit. He previously prosecuted the case of Aftab Ali Khan, who was arrested in Watertown during the investigation into the failed Times Square bombing in May 2010 and later charged with immigration violations. Weinreb is seeking the death penalty in the Tsarnaev case.

Correction: An earlier version of this interactive used unclear language that made it



Summary of counts facing Dzhokhar Tsarnaev

Posted: Jan 05, 2015 12:30 PM

Updated: Jan 05, 2015 12:30 PM

BOSTON (AP) - Jury selection starts Monday for the trial of suspected Boston Marathon bomber Dzhokhar Tsarnaev on 30 federal counts. Here are the charges against him:

- Conspiracy to use a weapon of mass destruction resulting in death.
- Use of a weapon of mass destruction resulting in death; aiding and abetting.
- Possession and use of a firearm during and in relation to a crime of violence resulting in death; aiding and abetting.
- Conspiracy to bomb a place of public use resulting in death.
- Bombing of a place of public use resulting in death; aiding and abetting.
- Conspiracy to maliciously destroy property resulting in personal injury and death.
- Malicious destruction of property resulting in personal injury and death; aiding and abetting.
- Carjacking resulting in serious bodily injury; aiding and abetting.
- Possession and use of a firearm during and in relation to a crime of violence; aiding and abetting.
- Interference with commerce by threats and violence; aiding and abetting.
- Use of a weapon of mass destruction; aiding and abetting.

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More potential jurors summoned for Tsarnaev trial



JANE FLAVEL COLLINS REUTERS

Dzhokhar Tsarnaev faces 30 charges, and 17 of those carry a possible death penalty.

By **Milton J. Valencia** | GLOBE STAFF JANUARY 06, 2015

Eight hundred potential jurors have appeared in federal court in downtown Boston for possible selection in the trial of accused Boston Marathon bomber Dzhokhar Tsarnaev, and another 400 are expected to appear Wednesday.

US District Judge George. A. O'Toole Jr. summoned a total of 1,200 potential jurors to the courthouse this week as part of the process to select a jury in the high-profile case. O'Toole said he plans to interview qualified potential jurors in person beginning Jan. 15 and hopes to have 12 jurors and six alternates seated by Jan. 26.

CONTINUE READING BELOW

As they had on Monday, candidates on Tuesday came in two groups — 200 in the morning and 200 in the afternoon — and filled out questionnaires that will help determine whether they are qualified to serve.

They came face-to-face with Tsarnaev, who stood before them when he was introduced by the judge. At one point, he seemed to nod his head when his name was said. He did not say anything to the jurors and remained in his chair for the rest of the proceedings.

O'Toole told the jurors to call the court early next week to learn whether they must return to court for more questioning, whether they should remain on standby, or whether they have been dismissed.

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Cullen: Death penalty hangs over trial

The alleged Marathon bomber's lawyers aren't girding to get him acquitted as much as they are focused on saving his life.

▸ **Hundreds get an introduction**

He also asked the jurors to be honest in their questionnaire, to stay away from any media reports about the case, and to commit to serving if asked — what he called a civic duty.

“It is the responsibility of every citizen to appear and serve if called,” the judge said.

He also warned that, “This case differs from other criminal cases . . . in a significant way.”

If Tsarnaev is found guilty, O’Toole said, the jurors will also have to determine whether he should be sentenced to death.

Tsarnaev, 21, faces 30 charges, 17 of which carry the possibility of the death penalty, in the twin bombings at the Marathon finish line on April 15, 2013. Three people were killed, and more than 260 were injured, forever scarring one of the city’s most storied traditions.

Tsarnaev and his older brother, Tamerlan, were also accused of shooting and killing an MIT police officer before attempting to flee the area. Tamerlan was killed in a violent confrontation with police in Watertown.

Dzhokhar Tsarnaev has been held at the federal prison at Fort Devens in Ayer since his arrest. His trial could last three to four months after a jury is chosen.

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Milton J. Valencia can be reached at MValencia@globe.com. Follow him on Twitter [@MiltonValencia](https://twitter.com/MiltonValencia)

Tsarnaev faces potential jurors in Boston Marathon case



Photo by The Associated Press

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In this courtroom sketch, Boston Marathon bombing suspect Dzhokhar Tsarnaev, left, is depicted beside U.S. District Judge George O'Toole Jr., right, as O'Toole addresses a pool of potential jurors in a jury assembly room at the federal courthouse Monday, Jan. 5, 2015, in Boston. Tsarnaev is charged with the April 2013 attack that killed three people and injured more than 260. His trial is scheduled to begin on Jan. 26, 2015. He could face the death penalty if convicted. (AP Photo/Jane Flavell Collins)

Tuesday, January 6, 2015

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By: Associated Press

BOSTON — Boston Marathon bombing suspect Dzhokhar Tsarnaev (joh-HAHR' tsahr-NEYE'-ehv) is facing a new group of potential jurors in his federal death penalty trial.

Tsarnaev looked down at the floor as he walked in to the jury assembly room. About 200 citizens from eastern Massachusetts are being considered Tuesday to serve on a 12-person jury for his trial.

The defendant chatted with his lawyers before Judge George O'Toole Jr. arrived to give the jury pool initial instructions.

Tsarnaev faces possible execution if convicted in the April 2013 attacks that killed three people and wounded more than 260 others at the finish line.

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Tsarnaev lawyer dream team

Posted: Jan 06, 2015 3:50 PM EST Jan 06, 2015 3:50 PM EST
Updated: Jan 06, 2015 9:36 PM EST Jan 06, 2015 9:36 PM EST

(FOX25 / MyFoxBoston) Bob Ward

BOSTON (MyFoxBoston.com) - On the second day of jury selection, accused Boston Marathon bomber Dzhokhar Tsarnaev sat silently with his defense team, while Judge George O'Toole spoke to 400 prospective jurors during two court sessions.

Tsarnaev showed no emotion when Judge O'Toole announced this is a death penalty case, and it will be for the jury to decide if Tsarnaev lives or dies.

Some have called Tsarnaev's lawyers, a death penalty Dream Team that features Judy Clarke, a San Diego death penalty specialist.

High profile clients like Unabomber Ted Kaczynski, Olympic Park bomber Eric Rudolf, and Jared Lee Loughner, the would-be assassin of Congressman Gabrielle Giffords were all spared the death penalty through plea bargains Clarke negotiated.

Boston attorney Phil Tracey expects Tsarnaev's lawyers will try to persuade the jury that older brother Tamerlan Tsarnaev was the Marathon Bombing mastermind, and that Dzhokhar fell under his radical influence.

"It's important to have somebody who is an expert in the death penalty so that the fairness and impartiality and the scales of justice are met," Tracey said.

But Tracey believes it won't be an easy sell.

"Don't forget: he showed signs of an independent thinker. In other words, there's the driving of the vehicle at the police. There's the scrawling of epithets against our society in the boat. In other words, this is not somebody who cuts a sympathetic figure at this time, and this is what they have to. They have to say, geez, he's not as bad as he looks on paper because his brother indoctrinated him and he fell for this sort of thing," Tracey said.

And so far, Dzhokhar Tsarnaev's legal team has been shut down losing all attempts to delay the trial or move it out of Boston.

But the biggest battle: the battle to save his life, if he is convicted, is yet to be waged.

And that's why this legal team is in place.

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Tsarnaev Appears As Bombing Trial Opens

By [David Boeri](#) January 6, 2015

BOSTON — After a year-and-a-half of grieving, healing, investigating and legal maneuvering, the trial of the only living suspect in the Boston Marathon attack, Dzhokhar Tsarnaev is underway.

Listen above to a full report from WBUR's David Boeri on the first day of what will be a lengthy jury selection process.

- **Full Story: Tsarnaev Trial Jury Selection Begins**

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A Courtroom Artist Attempts to 'Capture' Dzhokhar Tsarnaev



A sketch by Art Lien of Dzhokhar Tsarnaev during the second day of jury selection

Courtesy of Art Lien

By Hilary Sargent

Boston.com Staff | 01.06.15 | 4:09 PM

If you've seen a courtroom sketch of Dzhokhar Tsarnaev in the past month, there's a pretty good chance it was drawn by Art Lien.

Last month, Lien was in attendance at the final pre-trial status hearing in U.S. vs. Dzhokhar Tsarnaev. It was the first courtroom appearance by the alleged Boston Marathon bomber since his July 2013 arraignment.

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- **Names You'll Hear at the Tsarnaev Trial**
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Lien's sketch from that day was striking, and a far cry from the images of Tsarnaev that had flooded newspapers and websites since his arrest.

"People said I made him look too old. He is young, but he has a very strange look, his eyes. Almost seems like he just woke up, or he's high," Lien told Boston.com.



Dzhokhar Tsarnaev in his first court appearance since being arraigned.

Courtesy of Art Lien

It was in stark contrast to the criticism hurled at Rolling Stone over what some called a "dreamy" depiction of Tsarnaev on the cover of their August 2013 issue.

But Lien isn't fazed by the fact that his depiction of Tsarnaev wasn't to everyone's liking.



Grace and Hope Mission on Gay St.

"I struggle to do the best I can to just capture what I'm seeing," he said. "I like the idea of documenting things through sketches."

Lien usually spends his days as a courtroom sketch artist at the United States Supreme Court, where he documents the goings-on of the nation's highest court for NBC News.

In addition to his work at the U.S. Supreme Court, Lien sketches a range of other high-profile courtroom dramas. He has sketched Roger Clemens facing perjury charges, jury selection in the trial of Jerry Sandusky, Jack

Abramoff being sentenced for corruption, and Whitey Bulger facing the families of his victims.

For the next several months, Lien will be spending his days in Courtroom 9 at Boston's Moakley Courthouse, providing the public with some of its only glimpses of Tsarnaev as he stands trial on more than 30 charges related to the bombings at the finish line of the Boston Marathon in April 2013.



Roger Clemens on trial for perjury.

Courtesy of John J. Lee

While there is no indication that cameras are coming to federal courtrooms anytime soon, Lien said the number of courtroom sketch artists has dwindled during his 38 year long career.



Jurors report for duty on Monday, January 5, 2014

Courtesy of Art Lien

"There used to be many more of us. It used to be that every network had their own artist. Local stations often had their own, too. And then papers often had their own," Lien said. "At a trial like this you would have had four to eight artists. So far for Tsarnaev there are just two of us."



Lien at work on a courtroom sketch

Courtesy of Art Lien

Lien doesn't show up to sketch unprepared.

"I try to find out as much as I possibly can. I read the filings. I read the media reports. I even look at Twitter. I look for all the information I can get," he said.

When he's not sketching in a courtroom, he can often be found sketching urban scenes in and around Baltimore.

Or building bicycles. That is, if he isn't tied up practicing mandolin for an upcoming performance of his mandolin orchestra.

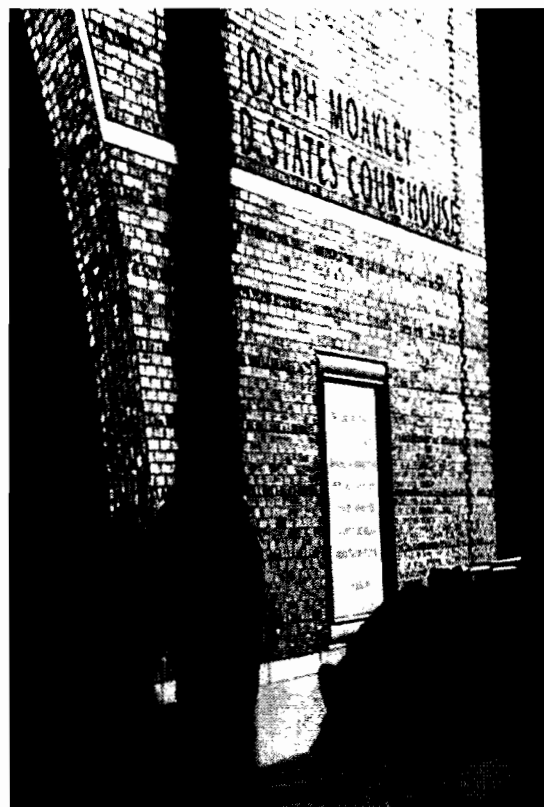
LETTERS | THE TRIAL PROCESS BEGINS

Can't see how a Boston jury could be impartial

| JANUARY 06, 2015

SUNDAY'S PROFILES of some of the survivors of the Boston Marathon bombing ([“The trial ahead,”](#) Page A1, Jan. 4) are both an example of fine and sensitive journalism and Exhibit A for why US District Court Judge George A. O’Toole Jr.’s refusal to move the Dzhokhar Tsarnaev trial was terribly wrong.

Each person from this region who loves the Marathon, or, like me, has a favorite viewing spot somewhere along the route knows the perpetrators were aiming at him or her that day, and further knows the sequence of events that led to the defendant’s arrest.



MICHAEL DWYER ASSOCIATED PRESS

Police stood outside the courthouse Monday on the first day of jury selection in the Tsarnaev trial.

CONTINUE READING BELOW

I believe that most jurors who are selected will do their best to give the case the fair and impartial hearing our system requires, but I just don't see how they can do it.

Carl W. Corey

West Roxbury



SHOW 6 COMMENTS

Jury selection ir enters second day

Posted: Jan 06, 2015 4:38 AM EST Jan 06, 2015 4:38 AM EST
Updated: Jan 06, 2015 12:31 PM EST Jan 06, 2015 12:31 PM EST

BOSTON (AP/MyFoxBoston.com) - Boston Marathon bombing suspect Dzhokhar Tsarnaev faced a new group of potential jurors inside the Boston federal courthouse Tuesday as another group of 200 people were instructed not to talk about, watch or do social media searches on the Patriot's Day 2013 bombing. Tsarnaev looked down at the floor as he walked in to the jury assembly room. The third session of jury selection lasted just 35 minutes and mirrored the two session held on Monday. Over the next three weeks, lawyers are scheduled to whittle down 1,200 people to a 12-person jury, plus six alternates.

The defendant chatted with his lawyers before Judge George O'Toole Jr. arrived to oversee the federal death penalty case.

Tsarnaev faces possible execution if convicted in the April 2013 attacks that killed three people and wounded more than 260 others at the finish line. Tsarnaev is accused of planning and carrying out the twin bombings that killed three people and wounded more than 260 others near the marathon's finish line on April 15, 2013. Prosecutors say Tsarnaev and his brother, now dead, also killed an MIT police officer several days after the bombings as they tried to flee.

A judge began this arduous process of seating a jury against the young man suspected of bombing the iconic Boston Marathon. This week prospective jurors are getting their first glimpse of man suspected of executing the Boston Marathon bombings.

Tsarnaev, who faces possible execution if convicted in the April 2013 attacks that killed three people and wounded more than 260 others at the finish line of the Boston marathon.

It became clear early Monday that choosing a jury would not be a quick or simple process.

U.S. District Judge George O'Toole Jr. told the potential jurors not to think of the trial as "an annoying burden," but as a needed service and an "important duty of citizenship."

Federal prosecutors and Tsarnaev's lawyers are beginning the process of trying to find jurors who can be fair and impartial. Jurors must also be willing, if Tsarnaev is convicted, to consider imposing the death penalty in a state that abolished its own death penalty three decades ago. Tsarnaev is being tried under the federal death penalty.

Defense lawyers have asked repeatedly that the trial be moved from Boston, where the bombings had a deep emotional impact. O'Toole has refused so far.

Potential jurors Monday seemed transfixed by the sight of the shaggy-haired 21-year-old, staring at him intently when he walked in and when he was introduced by the judge.

Tsarnaev, for his part, rose to his feet and nodded, slightly and awkwardly, as he was introduced to the first group of about 200 citizens. He looked at the floor when introduced to a second group of 200.

Security was tight, with dozens of police officers stationed inside and outside the federal courthouse, along with bomb-sniffing dogs.

Next Thursday, Jan. 15, Tsarnaev's lawyers, prosecutors and the judge will begin questioning individual jurors who survived the first round. Potential jurors were given a phone number to call next week to see if they will be asked to reappear for the one and one questions.

Starting next week, either side can use up to 20 challenges to get rid of a potential juror for any reason they choose. After lawyers go through their 20, getting a potential juror off the jury gets more complicated.

O'Toole said testimony is expected to begin Jan. 26 and last three to four months. The trial is perhaps the most scrutinized terror case in the U.S. since Timothy McVeigh was convicted and executed for the 1995 Oklahoma City bombing.

In Russia, the father of the Tsarnaev brothers again expressed the family's distrust of the U.S. legal system. Recently, one of Dzhokhar Tsarnaev's sisters pleaded guilty in Boston to misleading police during a counterfeiting investigation.

"All the information that can refute the allegations against my sons is on the Internet," Anzor Tsarnaev said by telephone from Grozny, the capital of Chechnya. "I still have children in America and I am afraid for them. As you all know, they also caused problems for my younger daughter with fabricated allegations. Who knows what they could do with my other children?"

Prosecutors say Dzhokhar and his brother, Tamerlan Tsarnaev - ethnic Chechens who had lived in the United States for about a decade - carried out the bombings in retaliation for U.S. wars in Muslim countries. Tamerlan, 26, died in a gunbattle with police days after the bombings.

The defense is expected to argue that Dzhokhar had a difficult childhood and fell under the evil influence of his older brother.

Associated Press journalist Denise Lavoie and Musa Sadulayev contributed to this story.



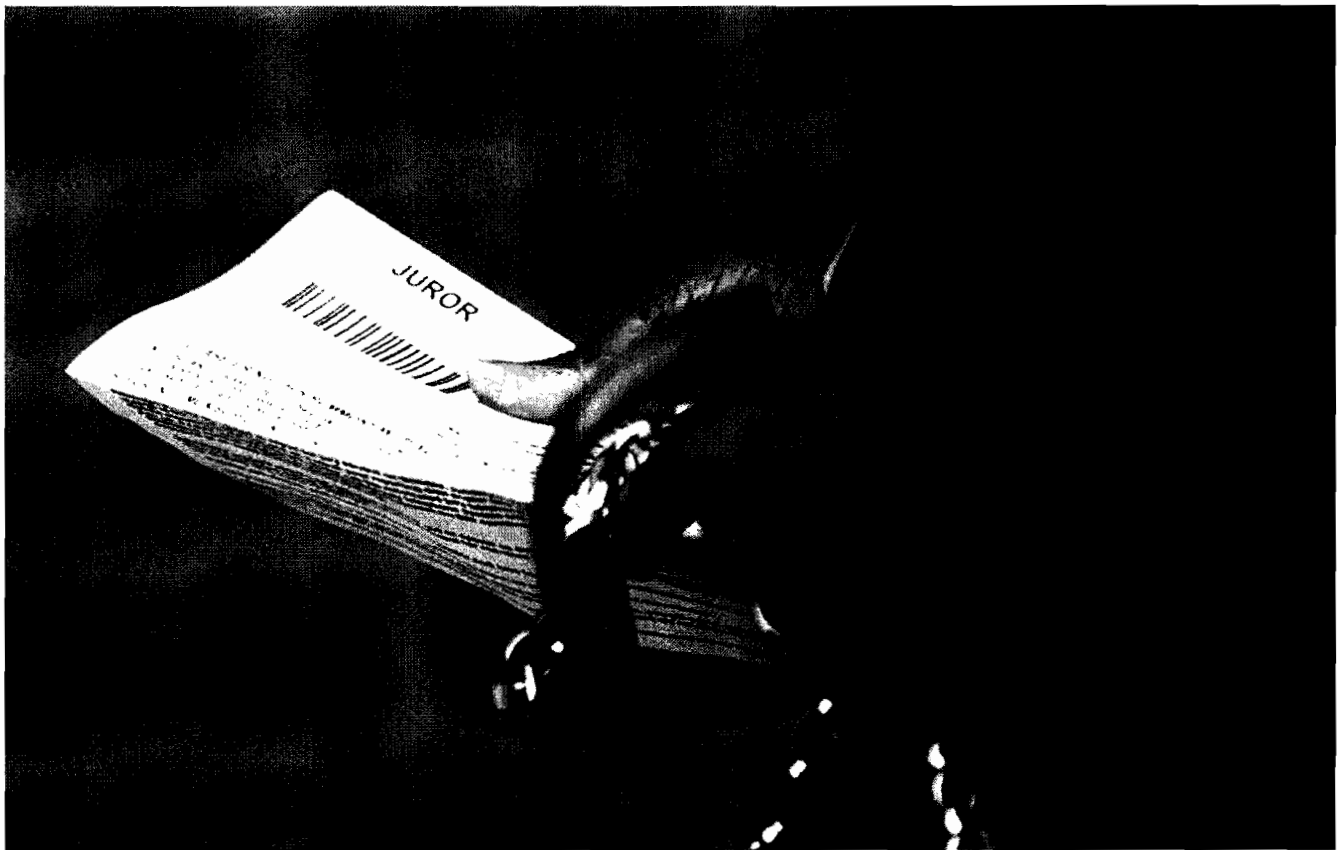
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JOAN VENNOCHI

Tsarnaev jury's built-in bias



REUTERS

A potential juror enters the Moakley courthouse Jan. 5.



By Joan Vennoch | GLOBE COLUMNIST JANUARY 07, 2015

THE JURORS who ultimately decide Dzhokhar Tsarnaev's fate will begin their task with a shared bias — their willingness to consider capital punishment.

Anyone who categorically opposes the death penalty will be excluded from serving as a juror in the case against the alleged Boston Marathon bomber. The jury selection process — standard for capital cases — produces a so-call “death qualified” jury — and virtually guarantees a defendant in this trial who will not be judged by a jury of his peers.

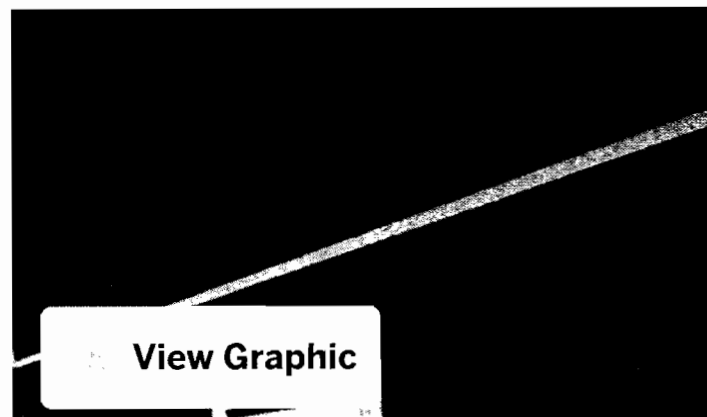
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Yes, this is especially true in Massachusetts, which does not have a state-sanctioned death penalty. In short, Bay Staters who oppose the ultimate punishment won’t be chosen as jurors, unless they lie about their core belief.

But research compiled by websites like capitalpunishmentcontext.org suggests that a “death qualified” jury is also less representative of the general population in the United States as a whole. Women and African Americans, for example, are more opposed to the death penalty than white men.

So excluding those who don’t support the death penalty affects the makeup of the panel on several levels. Who is left out? A 2005 [Death Penalty Information Center Report](#) puts it this way:

CONTINUE READING IT BELOW



Interactive: Tsarnaev jury quiz

Do you meet the criteria to serve on the jury for the trial of Dzhokhar Tsarnaev?

^ Coverage of the Dzhokhar Tsarnaev trial

“Catholics who have heeded their church’s call to end the death penalty, believers of all stripes who find the death penalty immoral, conservatives who hold that the government should not be trusted with so much power, and liberals who will not apply capital punishment because it is not meted out fairly — all will be eliminated if they adhere to these views. They will not be able to serve even in the guilt-innocence phase of the trial, where one’s view on the death penalty should be irrelevant.”

Still, the Supreme Court backs juries crafted with this qualification, ruling that defendants must demonstrate their particular jury was biased. As criminal defense and civil liberties lawyer Harvey Silverglate sees it, the “death qualified” jury will prevail as long as the death penalty exists. Without it, he argues, “The death penalty would almost never be imposed, since in Massachusetts, any representative jury would necessarily have at least some death penalty opponents, and it takes only one holdout to defeat a death verdict.”

Regarding Tsarnaev’s fate, a September 2013 Boston Globe poll showed 57 percent of those surveyed favored a life sentence; yet in a July 2014 Boston Globe poll, 62 percent supported the decision to seek the death penalty. Shouldn’t that ambivalence be reflected by jurors who don’t agree with capital punishment?

We won’t find out in the Tsarnaev trial. Jury selection in the case began this week, after a panel of federal appeals court judges denied, 2-1, a defense motion to move or postpone the trial. First Circuit Appeals Court Judge Juan R. Torruella — the lone dissenter — found legitimate cause to question the ability to assemble a fair-minded jury in Boston.

“Tsarnaev’s argument that the entire city of Boston and its surrounding areas was victimized — as evidenced by the city’s virtual lockdown and the images of SWAT team members roaming the streets and knocking door-to-door in Watertown — is compelling,” wrote Torruella.

The two other judges were unconvinced, despite the 1996 ruling in *United States v. McVeigh*, which granted a change of venue in the Oklahoma City bombing trial, on grounds that the “emotional burden of the explosion and its consequences” created “so great a prejudice” defendants “cannot obtain a fair and impartial trial.”

Now, with a Boston trial, Tsarnaev will face jurors who experienced what Torruella described in his dissent — and he will be judged only by jurors who also support the death penalty.

As Carol Rose, executive director of the ACLU of Massachusetts, writes, “This trial won’t really be about Tsarnaev’s guilt or innocence; the evidence against him is overwhelming. The trial will be about us — about the kind of society in which we want to live and whether we will be ruled by our fears or by our values.”

The evidence, after all, features the chilling video of Tsarnaev putting down one of two backpacks that exploded at the Marathon finish line 20 seconds later. Bystanders in the video included 8-year-old Martin Richard, one of three people who died in the explosion.

The Tsarnaev defense team is left with the job of somehow humanizing the monster shown in the video. Given the pre-determined makeup of a “death qualified jury,” the defense will be making its case for mercy to a tough audience.

More coverage of the Tsarnaev trial →

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Jury selection won't be simple in Boston Marathon case

Prospective jurors get their glimpse of Dzhokhar Tsarnaev

UPDATED 10:32 PM EST Jan 06 2015

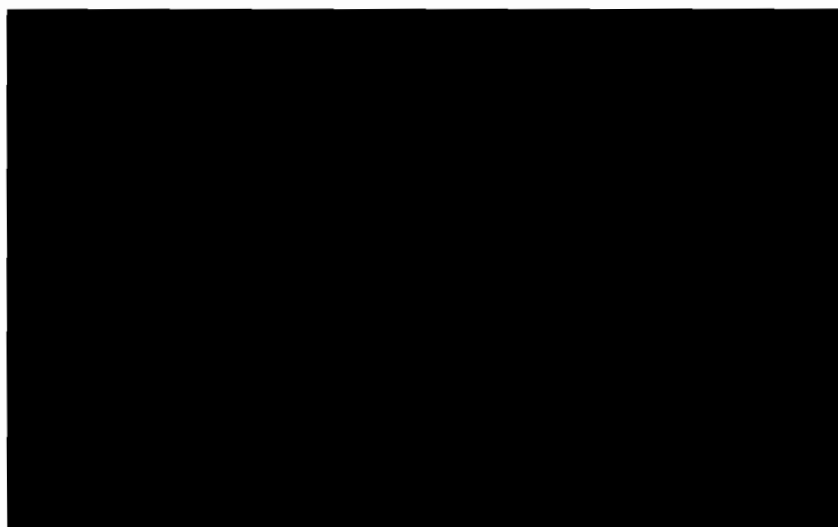
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BOSTON — BOSTON — To try to save him from the death penalty in the Boston Marathon bombing, Dzhokhar Tsarnaev's lawyers will probably look for jurors who are intellectually curious and eager to learn about other cultures and religions.

TSARNAEV TRIAL

- Who's who in Tsarnaev trial
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Prosecutors, in turn, will no doubt try to pick conservative, patriotic types who have steady work habits, have lived comfortable lives and are particularly sensitive to the randomness of the terror attack.

Such is the conventional wisdom among jury consultants and other legal experts who say the question of whether Dzhokhar Tsarnaev receives a death sentence will be all but decided during jury selection.

Dzhokhar Tsarnaev, 21, is accused of taking part in the twin bombing at the finish line of the race on April 15, 2013, killing three people and wounding more than 260. He is also charged in the slaying of an Massachusetts Institute of Technology police officer.

Prosecutors say Dzhokhar Tsarnaev and his brother, Tamerlan Tsarnaev -- ethnic Chechens who had lived in the United States for about a decade -- carried out the attack in retaliation for U.S. wars in Muslim countries.

Tamerlan Tsarnaev, 26, died in a gun battle with police days after the bombing.

Who's who in Tsarnaev trial | Charges | Timeline of Events

Given the evidence against Dzhokhar Tsarnaev -- including incriminating graffiti on the boat where he was captured, and video of him planting a backpack at the site of the one of the blasts -- legal

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experts say there is little doubt he will be found guilty.

They say his lawyers are concentrating instead on saving him from a death sentence from the jury during the penalty phase. They are expected to argue that he had a difficult childhood and fell under the malignant influence of his older brother, who embraced a radical brand of Islam.

"Any time the death penalty is on the table, the defense is going to want people who will look past the crime and try to understand why. Not just what happened, but how could this happen and why did this happen, what was the rationale?" said Karen Fleming-Ginn, a jury consultant who worked for prosecutors in the trial of Oklahoma City bomber Timothy McVeigh and has supplied her expertise to defense attorneys in 60 other capital cases.

Fleming-Ginn said the defense will look for jurors who are naturally curious, like to travel and want to learn about the world.

"Typically, these are people who are educated, they can see shades of gray a little bit better, they are not going to be black and white, they might have more of a sense of mercy," she said.

The government is likely to seek out jurors who have lived life on the straight and narrow.

"The prosecution will be looking for people who are more law-and-order types - people in that rigid-neck kind of way - who are willing to impose the death penalty," said John Blume, a Cornell University professor and director of Cornell's Death Penalty Project, which conducts research on capital punishment.

Fleming-Ginn said the common perception that mothers and female teachers and nurses tend to be sympathetic to defendants has not proved true in the dozens of trials she has handled, and it could hurt Tsarnaev.

Tsarnaev was 19 at the time of the bombing. One of those killed was an 8-year-old boy.

"Motherhood could cut both ways in this case," she said.

Gerry Leone, a former state and federal prosecutor who led the prosecution of shoe bomber Richard Reid, said it will be important for prosecutors to exclude anyone who might be sympathetic to the argument that the older brother "was this coercive, intimidating, controlling figure who so dominated his younger brother that it caused him to do things that he otherwise wouldn't have done."

To be chosen for the jury, jurors must be deemed "death-qualified," meaning they must be willing to consider imposing the death penalty. Those opposed to capital punishment under any circumstances cannot serve.

Finding death-qualified jurors in a state historically opposed to the death penalty poses another set of problems. Massachusetts abolished its death penalty in 1984 and numerous attempts to reinstate it have failed. The case against Tsarnaev is being brought in federal court.

Jury selection is expected to take at least three weeks. The process began Monday. About 800 potential jurors have been called in and asked to fill out questionnaires. An additional 400 will report to court Wednesday.

The unusually large pool of 1,200 was deemed necessary because of the heavy news coverage of the tragedy and the large number of people affected by it.

Tsarnaev's lawyers asked repeatedly that the trial be moved out of Boston, where the bombing had a traumatic effect. The judge refused.





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Things to know about jury selection in Tsarnaev trial

Posted: Jan 07, 2015 4:29 PM

Updated: Jan 08, 2015 5:02 AM

BOSTON (AP) - The first week of jury selection in the Boston Marathon bombing trial is wrapping up. Here's what you need to know about where the federal death penalty case stands and what's next:

THE CASE

Dzhokhar Tsarnaev, 21, is accused of carrying out bombings near the finish line of the world-renowned race on April 15, 2013. Three people were killed in the blasts; more than 260 others were injured. Prosecutors say Tsarnaev and his older brother, Tamerlan -- ethnic Chechens who moved to the U.S. about a decade before the bombings -- planned the attack and set off two bombs in retaliation for U.S. wars in Muslim countries. Tsarnaev also is charged in the killing of an MIT police officer days after the bombings. Tamerlan Tsarnaev was killed in a gun battle with police.

THE TRIAL

The trial is being held in federal court in Boston. Tsarnaev is charged under the federal death penalty statute. Massachusetts abolished the state death penalty in 1984. The trial is expected to last three to four months.

THE JURY POOL

About 1,200 prospective jurors from eastern Massachusetts were sent summonses in the case. This week, they were called in groups of 200 to appear before U.S. District Judge George O'Toole Jr. O'Toole gave them initial instructions. They also filled out lengthy questionnaires that will be used to weed out people with obvious conflicts.

THE DEFENDANT

Tsarnaev has been introduced to each group of potential jurors. Sometimes, he has given an awkward nod to the group; other times, he has looked down. While the judge gives instructions, Tsarnaev has picked at his beard, quietly drummed his fingers on the table and looked at the judge. He appears self-conscious and has only occasionally looked at the prospective jurors.

THE VICTIMS

Only a handful of bombing victims have watched jury selection. Jaymi Cohen, a Tufts University lacrosse player who went to the marathon with some of her teammates to cheer on the runners, watched the proceedings Wednesday afternoon. U.S. Attorney Carmen Ortiz sat with Cohen and her father. Cohen declined to comment.

WHAT HAPPENS NEXT

Tsarnaev's lawyers and federal prosecutors will spend the next few days reviewing juror questionnaires before individual questioning begins on Jan. 15. Twelve jurors and six alternates will be chosen. That process is expected to take three weeks. The judge told prospective jurors that he expects the trial to begin with opening statements on Jan. 26.

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Attorneys Begin Narrowing List Of Potential Tsarnaev Jurors

By [David Boeri](#) January 8, 2015

BOSTON — Prosecutors and defense attorneys have begun to narrow the list of potential jurors for the trial of accused Boston Marathon bomber Dzhokhar Tsarnaev.

WBUR's David Boeri reports from federal court on the selection process, including Judge George O'Toole's explanation of the proceedings and the potential jurors' questionnaires, as well as Tsarnaev's performance in court over the past three days.

To hear the full report, click on the audio player above.

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Heightened security for Marathon bombing trial

Posted: Jan 09, 2015 4:50 AM EST Jan 09, 2015 4:50 AM EST
Updated: Jan 09, 2015 4:50 AM EST Jan 09, 2015 4:50 AM EST

By Philip Marcelo, Associated Press

BOSTON (AP) - Extraordinary security measures are being taken during the federal death penalty trial of accused Boston Marathon bomber Dzhokhar Tsarnaev, perhaps the most scrutinized U.S. terror case since the Oklahoma City bombing.

White SUVs from Homeland Security line up bumper-to-bumper in front of Boston's federal courthouse while others periodically circle the block. Boston police officers patrol the perimeter on foot, and a dark special operations van is stationed near the entrance. In the harbor nearby, armed U.S. Coast Guard boats ply the waters, and inside the court building officers with dogs roam the hallways.

The U.S. Marshals Service, which oversees courthouse security, declined to comment on measures for the trial and Boston police spokesman Michael McCarthy said his department is not aware of any credible threats. McCarthy said the department is simply providing support to federal authorities, although he declined to say how many city officers or which units have been assigned.

But there's even more going on behind the scenes, according to Rick Avery, northeast region president for Securitas, a private security company not involved in security for the trial.

Bomb squads, snipers, undercover officers and enhanced surveillance operations are just some of the measures used to secure high-profile terrorism trials, Avery said. Tsarnaev's trial, which began this week with jury selection and is expected to last three to four months, is no exception, he said.

"Federal courthouses have a very high level of security to begin with, so what you're doing is basically extending the security barrier beyond the courthouse doors," Avery said. "The possibility of something happening exists every day, so I'd imagine they're being a little more cautious with this."

Tsarnaev, 21, faces the death penalty if convicted for his role in the twin bombings at the marathon finish line in April 2013, which killed three people and wounded more than 260 others. Tsarnaev also is charged in the slaying of an MIT police officer in the days after the bombing.

Boston's federal courthouse is used to heightened security, most recently in 2013, when notorious gangster James "Whitey" Bulger was tried, convicted and sentenced there.

Law enforcement officials will be keeping a watchful eye on the demonstrators and onlookers the proceedings periodically have drawn, as well as the hundreds of prospective jurors who have been filing in and out of the courthouse complex.

They'll likely also be keeping tabs on social media, where Tsarnaev's supporters and bombing conspiracy theorists have been active.

The heightened awareness extends to nearby businesses along the rapidly developing waterfront.

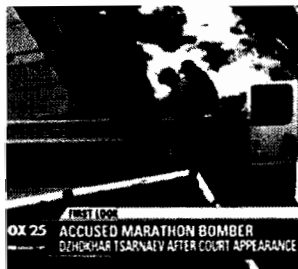
At Vertex Pharmaceuticals, located next to the courthouse, employees said the company notified workers to brace for parking disruptions and other hassles.

Security guards posted at the building entrance, though, declined to comment about any additional safety measures being taken.

"This is not new to the city or the federal courthouse," Avery said. "They are more than capable of securing these things. Between the federal, city, (Massachusetts Port Authority) and state police, they've got this covered."

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Could Tsarnaev Argue, 'My Immature, Pot-Impaired Brain Made Me Do It'?



In this courtroom sketch, Boston Marathon bombing suspect Dzhokhar Tsarnaev appears in federal court in Boston for a final hearing before his January trial. (Jane Flavell Collins/AP)

By Judith G. Edersheim, JD, MD

Guest contributor

This week marked the start of what promises to be a four-month public reckoning: the **trial of alleged Boston Marathon bomber Dzhokhar Tsarnaev**. If the press reports about the evidence against him are accurate, most of the trial will not be about guilt or innocence; it will be about sentencing. Not a who-done-

it, but a why-done-it.

If Tsarnaev is found guilty, the death penalty will be on the table, and the proceedings will turn to a grave question, part jurisprudence and part moral philosophy: Is this defendant the most evil and culpable of all? A human being who deserves the most severe of all punishments?

One thing, I believe, is certain: If this case proceeds to the sentencing phase, the black box everyone will be talking about will be the cranium, and how the brain drives behavior will be the central story.

In these protracted sentencing hearings, the scales of justice balance lists of aggravators and mitigators, all outlined by law.

Aggravating factors in this case might include the political motive for the bombings, the risk posed to others during the course of the Tsarnaev brothers' dramatic attempt to flee, the "heinous", "cruel" or "depraved" manner of the crime's execution, and the substantial planning and premeditation that might have preceded the bombings.

Mitigating factors — factors that weigh in favor of life in prison rather than a death sentence — cast the broadest net. Any aspect of a defendant's background, record, character or circumstance is fair game for the defense team. It could try to demonstrate that Tsarnaev had some kind of impaired capacity to appreciate that his acts were wrong or illegal, or that he was under some kind of demonstrable duress. It could also bring to light hardships during his upbringing that limited his opportunities or narrowed his ability to choose wisely.

In the end, behavior trumps brain scans.

The defense team has already given public hints as to the central themes of its mitigators. They will feature life within the Tsarnaev family, including Dzhokhar's relationship with his parents, his brother Tamerlan, and his sisters. Will anything in these family dynamics rise to the level of psychological duress or impaired capacity? There will likely be plenty of traditional testimony from forensic psychologists and psychiatrists regarding whether or not Tsarnaev was under the sway of his radicalized and perhaps dominant older brother, particularly after the Tsarnaev parents left the country. The prosecution will likely counter with a line of evidence regarding Dzhokhar's relative independence and his network of friends and activities outside of the family structure.

Then comes the brain.

Judy Clarke, lead defense attorney and one of the nation's premier death penalty litigators, will surely not overlook the new body of neuroscientific evidence regarding the immaturity of adolescent brains. In a recent trilogy of cases (known as Roper, Graham, and Miller) the U.S. Supreme Court was influenced by neuroscientific evidence about the juvenile brain when making sweeping changes in how adolescents are tried and sentenced. The court concluded that adolescent brains were less mature than those of adults in ways which warranted differential treatment under our criminal laws.

Although Tsarnaev was 19 at the time of the bombings, his lawyers might argue that much of this brain research applies, as it outlines a period of relative immaturity that stretches from mid-adolescence all the way into the early 20s. Generally speaking, this research shows that adolescents are less mature, and they are more likely to make ill-considered decisions. They bow to peer influences and respond excessively to thrill seeking and immediate rewards. Think money, sex, drugs and friends.

Beginning in the teens, there are major changes in brain architecture and function that temper these qualities — among them, synaptic pruning of the prefrontal cortex, improved connectivity and changes in dopamine receptors — all of which support self control, delayed gratification and the development of a moral compass.

Here's the rub. What the research *doesn't* show makes it problematic for defense attorneys. The research does not show that adolescents are incapable of making well-considered choices. Quite the contrary.

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